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**PROFIT OVER CULTURE  
THE REPRESENTATION OF SATELLITE SIGNAL THEFT  
IN THE CANADIAN PRESS**

by

**Melissa Eileen Marshall**

**A Thesis  
Submitted to the Faculty of Graduate Studies and Research  
through Communication Studies  
in Partial Fulfillment of the Requirements for  
the Degree of Master of Arts  
University of Windsor**

**Windsor, Ontario, Canada**

**2005**

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**ABSTRACT**

Satellite signal theft is a significant problem as it threatens Canadian culture. Canadian programming is not available on American satellite dishes and Canadian television service providers are losing money to the illegal satellite market. The coverage of satellite signal theft in the *Toronto Star*, *National Post* and the *Ottawa Citizen* revealed that satellite signal theft is negatively impacting the profits of Canadian television service providers. By conducting a critical discourse analysis of the articles that covered this topic it is evident that the newspapers were effective in portraying satellite signal theft in a negative manner through repeated pirate and drug references to deter audiences from participating in this illegal activity. Through the examination of the background, lexical style, competition, statistics, counter-power and the policy, satellite signal theft emerged as a topic presented to further the interests of the owning parties, reinforcing a political economic perspective. The threat to Canadian culture was only used when legal satellite dish and cable providers needed to strengthen the industry position against satellite signal theft resulting in profit over culture.

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## Chapter 1: Introduction

### Statement of Problem

The Canadian broadcasting industry is “under siege” (Jack, 2002) by “pirates of the airwaves” (Kari, 2002) who “hack into an American service and steal the programming without paying. They bill themselves as pirates striking out for freedom, but really they are just thieves” (Pirates dish out...2002). These quotations from popular news reports convey the general sentiments of the Canadian broadcasting industry regarding the issue of satellite signal theft.

Satellite signal theft is a significant problem as “the theft of U.S. signals is a ‘real issue’ because a growing number of people are using hacked satellite cards and illegal technology to avoid Canadian suppliers” (Evans, 2002). Canadian television service providers are losing money to the illegal satellite market. Canadian culture is also being threatened, as Canadian programming is not available on American satellite dishes. This lack of Canadian content results in a lack of the nation building ability that television attributes to. Without the availability of Canadian content the financial support that television service providers such as satellite and cable generate from subscription fees will shrink the revenue they provide to fund Canadian content.

These two explanations as to the ‘real issues’ of satellite signal theft; avoiding Canadian television service providers, and the lack of Canadian programming, are recurring in the coverage of three Canadian newspapers the *Toronto Star*, the *National Post* and the *Ottawa Citizen*. The research reveals that the real problem is that satellite signal theft is negatively impacting the profits of Canadian television service providers. When legal satellite dish and cable providers lambaste the need for a strong Canadian

cultural identity it is only used to strengthen the industry position against satellite signal theft whose only real concern is profits, this hypocrisy is revealed in the coverage.

The purpose of this thesis is to examine through a critical discourse analysis how the topic of satellite signal theft was covered in three Canadian newspapers: *The Toronto Star*, *The Ottawa Citizen* and *The National Post*. The four theories of the press, authoritarian, libertarian, communist and social responsibility will be examined. These theories will be explored to reveal that in a time of media mega mergers and concentration, the four theories of the press are no longer adequate to effectively evaluate the current media. To accommodate for these changes a political economic theory needs to be considered.

Political economic theory of the press views the media as a tool to further the interests of the owning parties. The theory serves to “foster and enforce an intellectual and moral culture that is geared towards protecting wealth and privilege” (Klaehn, 10b). As a result the media coverage is aligned with existing political economic system interests and the interests of the elite (Parenti, 1986). Arguing in favour of political economy theory, this thesis will conduct a critical discourse analysis of select articles in the indicated print media outlets.

Before a critical discourse analysis can be applied to the topic of satellite signal theft, the available literature on the broader topic of direct to home satellite broadcasting will be examined including background information on satellite dishes, satellite signal theft, the impact on Canadian culture, broadcasting policy, and technological determinism. This information will form the foundation for a critical discourse analysis.

Since the onset of television broadcasting, Canadians have become engulfed with American television content. This exportation of American popular culture has spilled across the border through the airwaves and into Canadian homes. Recently, the creation of direct to home broadcasting, where the satellite signal is intended for immediate reception by the general public without any local intermediary station, has only continued this trend (Luther, 1988). Satellite beams are not stationary and cannot be prevented from entering a specific geographic area. Countries such as Canada are unable to resist satellite broadcast penetration, which has made it difficult to regulate and preserve Canadian cultural identity of the country through a broadcasting framework. In an attempt to preserve Canadian cultural identity, and the economic viability of Canadian broadcasting, the federal government has declared American satellite dish receiving equipment illegal.

The advantage of the communication satellite is its inherent ability to offer full regional, continental, or global coverage. As a result of Canada's vast size, a communication tool that could be used to relay information to the entire country was a key motivator in Canada's involvement in satellite technology. Since 1962 with the launching of Alouette, Canada became one of the earliest members of the global satellite community, and the first country to use a geostationary satellite for domestic communication with the launching of Anik-1 in 1972 (Wall, Poirier, & Boucher, 1992, p. 234). The ability to beam programming all over the world means foreign content has easy access to countries such as Canada making implementation of Canadian broadcasting policy difficult.



It is important to remember that direct to home satellite service is a technology that is promoted through the theory of technological determinism. Technological determinism is based on the assumption that technology is autonomous, people feel a need, and even a responsibility, to keep up with technology. The ideal consumer under this theory is willing to constantly purchase and upgrade to keep up with the current technology to prevent not being left behind. Some consumers are attempting to keep up with the technology by purchasing U.S. satellite receivers are pursuing illegal resources to ensure that they are not left behind, and this has contributed to satellite signal theft.

Satellite signal theft, the unauthorized decoding of encrypted subscription signals mainly from the United States, occurs in two ways. Dealers may provide customers with decoding equipment that has been tampered with, to bypass encryption systems. As well, Canadians can purchase re-programmed smart cards that permit unauthorized users to circumvent the controlled access system and decode encrypted satellite television programming, whether from the US or Canada free of charge (“Government of Canada”...2002b). No subscription payments are made to the rights holders of the legitimate service provider. Only the hacker or dealer of this pirate equipment receives payment in this scenario. As subscription fees are lost, this diminishes contributions to Canadian content. Canadian television program distributors who spent millions acquiring the rights to programs are not receiving a return on their investment. The policies established by the Canadian regulatory board the Canadian Radio-television and Telecommunications Commission (CRTC) for satellite broadcasting will be examined using the 1991 *Broadcasting Act* with specific focus on the areas that address “distribution undertakings” that direct broadcast satellites fall under. The

*Radiocommunication Act* specifically, Bill C-2 an *Act to Amend the Radiocommunication Act*, 2002 addresses direct broadcast satellites and the Supreme Court of Canada April 26, 2002 decision that forbids the illegal decoding of satellite programming in Canada. It will be through a combination of these Acts and law that the cultural, technological and legal aspects of direct broadcast satellites will be addressed. The policy regarding direct broadcast satellites is significant as it provides the CRTC with the opportunity to regulate a new medium and prove that it is capable of adapting to the changing technological environment.

Critical discourse analysis is a methodology that utilizes a multidisciplinary approach to the relationship between language and social practice. According to Szuchewycz critical discourse analysis is concerned more specifically with “the social practices of language behavior, with the dialectics between societies (including its subsystems), power, values, ideologies, opinions expressed and constituted in and about language” (Szuchewycz, 2000, p. 499). Discourse analysis ideally should address and expose dimensions of power abuse and injustice at the hands of elites, institutions, or dominant groups (van Dijk, 1998). In examining the coverage of satellite signal theft this critical discourse analysis will focus on: lexical style, background information, the use of statistics, examples of counter-power, how policy is used, and the focus on competition between the cable and satellite companies. These categories of critical discourse analysis were chosen with the aim of discovering if indeed an elite perspective is prevalent in the coverage of satellite signal theft.

## **Chapter 2: Review of Literature**

### **Theoretical Development**

#### **Four Theories of the Press**

According to Siebert, Peterson, and Schramm there are four different viewpoints of the press or as they refer to them, the four theories of the press: authoritarian, libertarian or marketplace of ideas, communist and a social responsibility or the fourth estate. These four theories of the press will be explored to help reveal and understand that in an era of mega mergers and concentration of the press the reliance on the political economy model will provide a more accurate reflection of the values of the corporate news media.

The authoritarian model places the government as the highest authority, under which the press cannot be used to challenge, criticize or in any way undermine the ruling government. Only news that is seen to be for “the good of the state” (Hachten & Scotton, 2002, p.149) in the government’s view is justified as news. This eliminates the need for a variety of perspectives on an issue. If opposing views to the government are published the government will react negatively. In an attempt to prevent this interference most editors and journalists practice self-censorship. The authoritarian press is effective wherever governments intervene and suppress independent media outlets (Hachten & Scotton, 2002).

The libertarian or marketplace of ideas is the second model of the press. The marketplace of ideas was developed by John Milton who believed that people should be able to choose between different ideas in the marketplace in hopes that it would open up

political participation to the general public, focus on individual liberty and would allow for independence from the government. With a variety of views on an issue it was felt that if enough voices were heard, and the government kept its hands off, citizens would ultimately make the right choice, to the benefit all of society (Hackett & Zhao, 1998). This was an idea which challenged censorship and sedition laws (Roat, 1998).

The role of the libertarian media is to serve “as an extension of an individual’s right to freedom of expression” (Lorimer & Gasher, 2001, p. 62) and to fulfill the role as the primary source of political information in providing a variety of opinions and perspectives. This enables citizens to participate in public debate and is crucial to the maintenance and development of democracy. The media must also promote public accountability (McChesney, 1998), which includes the right of the press to report, comment, and criticize its own government without fear of retaliation (Hatchen & Scotton, 2002). The libertarian perspective holds that the government and the media should be independent of each other; and that the media should frequently challenge the government. A privately owned press should provide diverse, objective information to the citizens. Only news media that are free of governmental restraints will be credible to its readers, both domestically and internationally. The free flow of information allows news from around the world to be collected and distributed, this is especially crucial for the global economy that depends on the business press to provide fast and reliable business and financial news (Hatchen & Scotton, 2002). Mega mergers that combined various media outlets compromise the free flow of information limiting the available perspectives on issues. New media platforms such as satellite dishes provide

opportunities to help mitigate these mega merger issues, as satellite dishes do not have limited space on the dial and are able to offer space to alternative perspectives.

The third model of the press is the communist (Marxist) model. In the Marxist model the government owns the media and uses it for its own greater causes. The government does not accept any challenges to its authority, free expression is not valued. The government's control over the production and distribution of the media stems from the belief that if the government controlled the content of the news they could further the Party's goals and would allow for the concentration on positive functions and issues for society such as: "desired norms, education, information, motivation and mobilization" (Hachten & Scotton, 2002, p. 155). This model maintains that the media should serve the interests of, and be in control of, the working class and should not be privately owned. However, they failed to serve the interests of the people themselves and actually served the Party's ruling elite (Hachten & Scotton, 2002).

The fourth model of the press is the social responsibility model where the press is more commonly referred to as the "fourth estate". The fourth estate refers to the mass media as a watchdog whose role is to reveal abuses of state authority and defend the democratic rights of citizens (Underwood, 2003). In this model, the media have a responsibility to make positive contributions to society. They must provide reliable and objective information on a wide variety of subjects, allowing the audience to create informed opinions (McChesney, 2000). In providing this information, the media need to be aware that they occupy a privileged position in society in which they seek, consider, and distribute information to an audience. Media outlets should exist for their audiences and not for their organizations, professionals, or clients. The social responsibility model

is a response to the inability of the libertarian model to produce a press that is capable of benefiting society (Hackett & Gruneau, 2000). This was crucial as media outlets were merging. The role of the press as the fourth estate is to serve the public's need for information. In order to fulfill the role as watchdog the media must not be owned or controlled by the government or a small number of corporations in order to report on and publish what it wants. This includes a thorough accounting of people in power, in both the private and public sectors (McChesney, 2000).

These four theories of the press that were written in 1963 by Siebert, Peterson, and Shramm, are outdated and can not be accurately applied to the current media structure. Ultimately new theories need to be created in order to accurately describe the current the news media structure. The belief that the authoritarian press is reserved for South Asian nations (Hatchen & Scotton, 2002, p. 150) and could never operate in the United States or Canada is incorrect. Under traditional authoritarian press theory the government has complete control over the press, and only news that is good for the state is considered news. In an updated version the authoritarian press can be seen to operate in the United States and Canada if the government is replaced with concentrated ownership and censorship. Here news that is good for business is considered news.

A critique of the libertarian model is that it must function under both the economic market and the conditions set by the owners (Alger, 1998). Corporate ownership has merged media outlets into large, conglomerates which are concerned primarily with making a profit. The news outlets they own result in a press that became centralized through ownership. Selling papers filled with celebrity and scandal became

more important than serving and informing the public. As a result, the duty to serve the public has come secondary to their goal of making a profit (Lorimer & Gasher, 2001).

Similar to the authoritarian perspective the Communist media theory reflects the political ideology of the time it was written. The communist media theory no longer reflects the conditions of the former Soviet Union and the changes that have occurred in Eastern Europe. It is still useful in understanding media in China and Cuba.

It is tempting to believe that the social responsibility model of the press functions in the United States and Canada. This is not the case, and concerns regarding government control need to be expanded to include control and ownership of the press by media conglomerates. The merging of media outlets has also meant that there are fewer independent voices to be heard, making it increasingly more difficult for minorities to gain access to the press. The increasing concentration of media ownership and the merging of media with non-media corporations results in a shift that is profit motivated and does not serve the interests of the audience. In order to understand how and why the press functions in such a manner, a more up to date press theory needs to be applied which takes into consideration the changing media environment. New media technologies such as the Internet and the abundance of television channels “complements either existing programming of those Canadian broadcasting undertakings involved in new media or provides a means for expressing a diversity of viewpoints to niche audiences or others who perceive that they are not adequately represented by traditional media in all of its forms” (Government of Canada, 1999, p. 23).

### **Political Economic Model**

The media play an important role in society and ideally the media would be used democratically to inform the public, reflect public opinion, offer diverse perspectives, and respond to public concerns. Unfortunately the media are businesses and are “deeply embedded in the market system” (Herman, 2003, p. 2). As a result the media coverage is aligned with these interests (Parenti, 1986). The theoretical perspective that best outlines these dynamics is political economy theory (Lorimer & Gasher, 2001). Political economic theory is a suitable theory for the examination of newspaper articles that address another sector of the media such as satellite signal theft, as it will reveal how the involved businesses serve their own interests before society’s. Issues that are considered important to society such as the preservation and promotion of Canadian culture are only referenced when the businesses involved can use this topic or others to further their own profit motivated agenda. This theory should be consulted in addition to the four theories of the press, as it offers a more up to date theory for examining the press.

“Political economic theory argues that media ownership clearly benefits the owners and other controlling entities” (Lorimer & Gasher, 2001, p. 62). As a result of this focus on the elite an alternative is needed to examine and understand this representation. The propaganda model (Herman & Chomsky, 1988) is a critique of the mass media which is concerned with examining the inequality of wealth and power that is reflected in the choices and interests of the mass media (Klaehn, 2005b). The owners and other members of the elite view the role of the media to defend the economic, social and political agenda of privileged groups that dominate the domestic society and the state (Herman and Chomsky, 1988, p. 298). These choices and interests of the mass media



travel the routes by which money and power are able to filter out the news fit to print, marginalize dissent, and allow the government and dominant private interests to effectively direct the public's perceptions as the audience does not have contrary information (Herman and Chomsky, 1988, p. 2). The support that the media give to corporate interests helps shape public opinion on issues, as the media contribute to the actions and viewpoints that are presented in the news (Winter & Klaehn, 2005). This is done, according to Herman and Chomsky, by the news passing through five news filters: size, ownership and wealth; advertising as the main source of income; reliance on government and experts for information; flak; and anticommunism.

The first filter relates to the size, concentrated ownership, and owner wealth and profit orientation of the dominant mass media firms. It is important to remember that media outlets are businesses, which are firmly established in the market system. Media outlets are motivated by profits and guided by their wealthy elite owners who dominate economic and governmental decisions (Klaehn, 2005a). The political economic theory argues that media ownership clearly benefits owners and other controlling individuals (Hackett, and Gruneau, 2000). These elite owners are ultimately guided by profits (Herman & Chomsky, 1988) and as a result feel it is necessary to control the media, through an agenda setting role that legitimizes dominant ideological principles by defending the economic agendas of the dominant elite (Klaehn, 2005b). To do this those who own the media must place managers who are guided and motivated by profit to ensure that the journalists they employ will provide suitable coverage to their causes. Through this relationship the media are able to serve their elite while at the same time fulfilling their "societal purpose" that requires them to provide interpretations of the

world that reflect the interests and concerns of the sellers, buyers, government and private institutions” (Herman & Chomsky, 1988, p. 303). Despite fulfilling this societal purpose the media outlets remain in control by the way they “select topics, frame issues, filter information, focus their attention and in the amount of coverage they provide to an issue” (Mitchell & Schoeffel, 2002, p. 15). The media are able to shape public opinion through how ideas are presented to the public and by limiting or eliminating the number of alternative choices (Klaehn, 2005b). The viewpoints that the elite want publicized are backed by money and resources that allow for these viewpoints to be widely distributed.

Alternative choices are not usually backed politically or economically and have a more difficult time gaining exposure (Parenti, 1986). As media concentration continues through both vertical and horizontal integration it will become increasingly difficult for these alternative choices and information to gain coverage and attention. The idea that journalists are free to cover and report on anything they wish is a myth, the press in Western society may appear to be free, but in practice the journalists are only free to cover stories and events that “do not challenge the basic foundations of the existing socioeconomic system and the vested interests that dominant market economies...especially the business community and the wealthy” (Hackett & Gruneau, 2000, p. 225). Reporters adjust their information to suit their media outlet, and as a result self-censorship is rampant (Klaehn, 2005b). Overall money and power can be seen to influence media performance and content. A few large conglomerates have secured monopoly control over the media industry (McChesney & Nichols, 2002). The interests of the conglomerates are to serve their stockholders. The system of business is designed for profit making not public interest. A clear example of this is the reduction in public

service broadcasting and a concentration on expanding media monopolies. These “media outlets especially the larger media outlets are part of even larger corporations, which are highly profitable and for the most part are linked to even larger global conglomerates” (Mitchell & Schoeffel, 2002, p.14) such as other corporations, banks and governments.

The performance of the media reflects the fact that dominant media firms share common interests with other institutions such as governments and non media businesses and that both the media firm and the government are more likely to serve those who sit at the top of the social ladder than those at the bottom (Klaehn, 2005b). The media are largely funded by advertisers who are also profit seeking entities who need their ads to appear in an accommodating selling environment (Klaehn, 2005a). News for the masses is dumbed down to include coverage of celebrities, natural disasters, traffic accidents, and political coverage is limited to sound bites from a politician (McChesney & Nichols, 2002).

The second filter asserts that advertising is the primary source of income of the mass media. The reliance of the media on advertising dollars for income is a clear indicator that the media are indeed a business that remains profitable through other businesses (Mitchell & Schoeffel, 2002). The relationship between the owner (elite) and advertisers is symbiotic as they are both relying on the other for profits. The private media are major corporations selling a product (readers and audiences) to other businesses (advertisers). The government is in a unique position with regards to advertising as they are able to pressure the media with threats of removing their main source of income, advertising and television licenses (Herman, 2003). The media claim that they are bound to serve the public, in which they provide a public service tool, yet

that duty ultimately is toward the affluent customer who is able to purchase products advertised and receives constant business news (McChesney & Nichols, 2002). The focus and delivery of business news is an example of the “corporate noose” (McChesney & Nichols, 2002, p. 59) on journalism, vast resources are used to direct news to the narrow business class, to ensure not only that they are well informed but also that the media outlet is in the most profitable position, attracting those with money. In an attempt to appease the business class the masses are left with incomplete stories in which terms are not explained, background details not provided, supporting evidence lacking, and few “experts” of their own are used, in an attempt to keep the business class above the masses, working towards a cultural hegemony (Klaehn, 2005b). The business section is also nearly the only location where information on media policy is present, it is framed as an issue for wealthy investors and executives, and rarely will media policy be considered outside this business section and when it is it is once again placed in an economic frame, issues of concern for consumers (McChesney & Nichols, 2002). The elite media determine what topics, issues, and events are to be considered news by lower tier media. The elite media also establish limitations on the range of debate and general boundaries for subsequent interpretations. They determine, they select, they shape, they control, and they restrict in order to serve the interests of dominant, elite groups in society (Klaehn, 2005b). Quantity and quality of coverage, generating interest in some areas while ignoring others (Klaehn, 2005b). The best journalism is pitched to the business class and suited to its needs and interests (Hatchen & Scotton, 2002).

The third filter acknowledges the reliance of the media on information provided by government, business, and “experts.” These chosen sources are viewed as credible

and legitimate as a result of their status in society (Herman & Chomsky, 1988). The media require a steady stream of news, due to their daily scheduling demands and budgets they are unable to have reporters in all places at all times, their resources are instead focused in areas where news is likely to occur, for example at Parliament (Herman & Chomsky, 1988). Dominant elites provide press releases, advance copies of speeches, photo ops and ready-for-news analysis. Since these sources are considered credible, the facts and information that they provide are rarely checked for accuracy (Klaehn, 2005b). This provided those in political office and in businesses, the information that allows them to set the news agenda, choosing which stories to focus on and which to ignore. Frequently these interests overlap and as a result cause a certain degree of solidarity that prevails amongst government, business and the media (Herman, 2003).

The fourth filter is “flak, as a means of disciplining the media through negative responses to media statements or programs. This negative response can take many forms: letters, phone calls, petitions, speeches and other forms of complaint” (Herman & Chomsky, 1988, p. 26). This filter reveals that dominant social institutions possess the power and resources to pressure media to play a “propagandistic role in society” (Klaehn, 2005, p. 12b).

Finally the last filter is “anticommunism which is viewed as a national religion and control mechanism” (Klaehn, 2005b, p. 10). This filter still functions in the post cold war period, but now in the form of a dichotomy of “otherness” (Klaehn, 2005b, p. 13).

These five filters reveal that the media functions as a business in pursuit of a profit. Media outlets are frequently part of large conglomerates which need to attract

audiences and investors who can financially support them. This is why the media's focus on business extends to a large percentage of their coverage. These five filters will help explain the strong business presence in the coverage of satellite signal theft.

### **Technological Discourse**

The popular discourse of our era considers technology to be deterministic. Technological determinism is based on idea that technological innovation is the agent of social change; that technology has its own autonomous logic of development, is "self governing, follows its own course, and is not ruled by an external law or force" (Winner, 1977, p. 16). In accepting this school of thought, humankind has little choice other than to accept it if they want society to move forward (Winner, 1989). Technological determinism stands or falls on two hypotheses: that the technological base of a society is the fundamental condition affecting all patterns of social existence; and although political, cultural and other factors may influence the pace of change, they cannot alter the general path of development revealing its autonomous logic. Culture does not play a significant role in shaping the history of technological development, but can only motivate or hinder progress along the path. Secondly technological changes are the single most important source of change in society (Winner, 1977) that makes it necessary for social organization to adapt to the technological progress at each stage of development (Feenberg, 1991). In removing technology from social and political contexts, this viewpoint isolates technology, as if it were created on its own (Murphie & Potts, 2003). This belief that technology is autonomous is reinforced by the rapid pace that technological progress is achieved.

William Leiss (1990) outlines four idols of technology, the false ideas that society has developed towards technological progress. First, society is given the impression that modern conditions compel us to make our values and institutions conform to the technologies themselves and as a result of the rapid speed technology is progressing we feel obliged to keep up in order not to be left behind. Next, society's current commitment to science and technology marks a break with all previous human history; we have surpassed all older civilizations. Third, technological determinists believe that every technological achievement is treated as a triumph for humanity, the focus remains on the economic productivity and social welfare. The consequences of these achievements are never included in the discourse. Fourth, as a result of the undeniable achievements of modern science and technology a new arrogance has resulted. This arrogance considers the current technological discourse superior to all other ways of interpreting, understanding and experiencing the world.

It is through these four idols of technology that society is led to believe that if one wants to enjoy the benefits of these new technologies, their behavior will have to conform, even in ways that might not have come to mind had we not felt compelled to do so in an attempt not to be left behind (Leiss, 1990). Attempting to keep up often means accepting the new technology as long as it appears to "serve a particular need, has the ability to perform a task more efficiently than its predecessor and makes a profit" (Winner, 1989, p. 9). By accepting the technology the broader repercussions that result from the technology are ignored. These repercussions are only considered and realized once the technology has been implemented and the unexpected social ills and "side effects" of that technology arise. As a result of this discourse, technology takes on a

deterministic role “As the technology becomes woven into the texture of everyday life, the devices, techniques, and systems we adopt shed their tool- like quality to become part of our very humanity” (Winner, 1989, p. 12). Although these tools do indeed appear as a part of our lives, and at times autonomous, this is not the case and is simply an illusion (Leiss, 1990).

Media organizations make use of technological determinism and reinforce the position that technology is autonomous as it helps further their own cause, making money. Media organizations need advertisements to help offset the cost of producing their product and ultimately to make a profit, since new technologies need to be advertised to inform the public that they exist and would significantly benefit their lives, the media organizations see this as a mutually beneficial relationship. Through positive reinforcement and convincing advertising, society is led to believe that they should purchase these new items of technology as the technology that is being replaced is outdated and needs to be replaced, and that this new technology is simply the next stage of development that is helping society move forward. The goal is for society to accept these claims without question and without any social action. The hypocrisy of the media organizations is revealed when they perpetuate a technological determinist position that compels society to accept technology without question and rejects organizations such as the CRTC which they view as preventing progress. It is only when the creators and distributors of this technology are in jeopardy from competition that they see a need for government protection. When Canadian satellite dish and cable providers preach Canadian culture and the need for the CRTC such as “Without CRTC controls, Canadians can also access programs that might not meet national standards, ExpressVu says”



(Tibbetts, 2001) provides a unique opportunity to uncover this hypocrisy. Evidence of this will further be revealed in the critical discourse analysis.

In contrast to technological determinism is the instrumental theory of technology. This position views technologies as “neutral tools” (Feenberg, 1991, p. 5) that are created for the purpose of serving their user. Technologies are instruments ideally designed to serve the purposes that we, as citizens living under conditions of political freedom, choose to place a value on and pursue. Although technological change may “force itself on us, by virtue of our integration into an international economic order, this situation does not and should not impact our ability to pursue our ultimate goals and purposes” (Leiss, 1990). The connection between technology and society cannot be reduced to a basic cause-and-effect formula; it is not the technology itself, but the human factor that should be our focal point (Murphie & Potts, 2003). “The technology may help open the door, but it does not compel one to enter” (Murphie & Potts, 2003, p. 20).

Instrumental technology challenges the deterministic view and argues that technology does not determine a particular form of society, but technology is a cultural product (Feenberg, 1991). Diverse technological tools may be used in a number of ways, resulting in a number of possible cultural effects. The values and interests of elites are installed in the very design of rational procedures and machines even before they are assigned a goal. This point is emphasized by Raymond Williams who asserts that “social need and political intention are significant factors involved in technological development” (Murphie & Potts, 2003, p. 18) as a result the political and economic decision-making behind these new technologies need to be exposed (Murphie & Potts, 2003).

It was not deterministic that military satellite dishes evolved to provide direct to home broadcasting, but was a result of social and economic factors. It is important to examine the technological evolution of satellite dishes to see not only how direct to home satellite broadcasting became available, but also to move away from a technological determinist perspective and towards an instrumental theory of technology.

It would be easy to use technology as the explanation for the creation of global media empires, and in part it is true. New technologies helped to make possible national magazines, recorded music, film, radio, and television (McChesney, 2000) these eventually became concentrated industries that made huge profits. Despite the technology that helped to make this possible there is nothing inherent in the technology that required this concentrated ownership. New communication technology could have been used for non-commercial purposes such as public service. Instead new communication technologies were commercially developed (Hatchen & Scotton, 2002) in the pursuit of profits which resulted in relaxed barriers to media concentration ownership rules. The neoliberalist position is almost always a technological determinist perspective rooted in a belief that the markets need to use new technologies to solve social problems is better than any alternative (McChesney, 2001).

### **Background on Satellite Broadcasting**

With the purpose of developing a domestic system of communication satellites to serve Canada's special needs, "Telesat Canada was established in 1969 through an act of Parliament" (Howell, 1986, p. 54) with an exclusive mandate to own and operate all communications satellite systems in Canada. While Telesat is a statutory corporation, it

is not a Crown corporation as it is half owned by the government and half owned by major Canadian telecommunications carriers (Poff, 1989).

The technology that made the invention of satellite broadcasting viable and available is an important area to examine with specific attention given to Canada's role in the development of satellite broadcasting. Direct satellite broadcasting has existed for a number of years, beginning in "August 1960 when the United States launched Echo 1 into orbit to relay telephony, facsimile, and data transmission to and from earth stations" (Howell, 1986, p.36). Home satellite receiving equipment began with the use of large receiving antennas that were used to pick up signals originally intended for reception by cable control centers (Wall, Poirier, & Boucher, 1992). This allowed for multi-channel television programming to be received in un-cabled areas (Wall, Poirier, & Boucher, 1992). Satellite dishes were popular in areas of the country that due to the geographical conditions resulted in poor over the air signals and where coaxial cable could not be laid or was too costly. Rural and northern areas of Canada were thought to benefit the most from this service that provided high quality, low-cost entertainment and information services that were previously unavailable.

The advantage of the communication satellite is its inherent ability to offer full regional, continental, or global coverage. As a result of Canada's vast size a communication tool that could be used to relay information to the entire country was a motivator in Canada's involvement in satellite technology. Since 1962, with the launching of Alouette, Canada became one of the earliest members of the global satellite community. These early communication satellites were placed in elliptical orbits, circling the earth in ever-changing patterns of movement that required constant and

difficult tracking by the sending and receiving earth stations. By 1965, communication satellites could be placed in geostationary orbit. The geostationary orbit forms an arc directly over the equator at approximately 22,300 miles above the earth (Negrine, 1988). Satellites launched in this orbit are fixed to travel at a velocity that matches that of the rotation of the earth and appears to remain stationary in roughly the same spot on the Earth's equator at all times, in relation to the earth. This 'stationary' location permits relative permanent uplink and downlink signal transmission without the earth station having to move to track the satellites (Negrine, 1988). Three communication satellites placed at equal distance in the geostationary orbit have the ability to transmit and receive electromagnetic signals to and from over 40 percent of the earth's surface (Marika, & Taishoff, 1987, p. 3) for example instantaneous radio or television signals to almost every corner of the earth (Luther, 1988).

Canada became the first country to use a geostationary satellite for domestic communication with the launching of Anik-1 in 1972 (Wall, Poirier, & Boucher, 1992, p. 234). The satellites before Anik-1 in geostationary orbit were used for international communication and not for domestic purposes. Anik-1 provided the first domestic live television transmission to the far Canadian North. This programming consisted of CBC network programming that originated in Toronto and was transmitted to the North on two transponders in Atlantic and Pacific Time (Negrine, 1988). As satellite technology continued to evolve in the mid 1980s, satellite television promised to provide the ultimate in television variety. Those with diverse tastes could find programming that would suit their individual needs:

In 1981 the CRTC gave permission to Canadian Satellite Communications Inc, (CANCOM) a commercial enterprise, to distribute a

multiple-channel package of radio and television signals to remote and underserved communities that due to geographical conditions resulted in poor over the air signals and where coaxial cable could not be laid or was too costly, as a means of extending broadcasting services in lieu of cable (Howell, 1986, p. 54).

This would provide high quality, low cost entertainment and information services that were previously unavailable:

The use of satellite technology to improve and extend the distribution of television and radio programming to Canadians has been enthusiastically discussed by the Federal government since the 1960s and its attitude was clearly stated in the 1968 White Paper on Domestic Satellite Communication Systems for Canada. First, it could make TV service available in both English and French across the country. Second, it could do this at a lower cost and sooner than could be done through the expansion of TV service to many areas of the country previously unserved because of their remoteness from the main centers of the population and from the United States border (Poff, 1989, p. 10).

CANCOM was intended to serve as a counter weight to the diverse US satellite broadcaster. Despite this support, it must also be mentioned that concerns about the possibility of “commercial, cultural, or political invasion from the sky seemed to embrace both radio and television signals” (Luther, 1988, p. 107) were also present.

Direct to home satellite has a number of strengths that make it an attractive option for customers. To begin with, it is the first entertainment platform to offer digital television services to customers nationally via satellites. Since direct to home satellite providers have more bandwidth and therefore, more capacity to add channels to their system without increasing prices, they currently are able to offer nearly 200 channels, and have the capacity for additional channels and services (Elkin, 1998, p. 28). These channels are transmitted digitally; satellite television offers state of the art picture and CD quality commercial free music stations.

Direct to home satellite is also cost effective in reaching masses of people spread over great distances and various time zones. Direct to home satellite dishes are also popular amongst those looking for an abundance of options to choose from on the television dial with hundreds of channels available to suit every niche market. In Canada there are only two legal direct to home satellite companies, Bell ExpressVu and Star Choice. Bell ExpressVu received approval from the CRTC in December 1995 and began providing service in September 1997. Star Choice was authorized by the CRTC in August of 1996 and began providing service in the spring of 1997.

The size of Canada, which makes it an ideal environment for satellite transmission, also causes satellites to be a detriment to the country. The unique capability of direct to home satellites is that they go beyond the physical borders of a country. One satellite positioned in outer space, within the geostationary orbit, is sufficient to cover 40% of the earth's surface with television images (Marika & Taishoff, 1987, p. 25). No frontier can keep these images out as long as they fall within the satellite footprint. The continental footprint of US services will continue as a reminder of the growing challenge to geographic boundaries (Stentor Resource Center, 1998) resulting in penetration by distant influences and making it increasingly difficult to maintain national sovereignty and identity. This is significant for Canada, as the majority of the population, roughly 70% of its 30 plus million residents live within a few hundred kilometers of the American border, the world's number one entertainment producer (Berlin, 1990, p. 7).

Besides being unable to prevent unwanted content from entering the country direct to home satellites have other disadvantages as well. The most notable

disadvantages are the lack of local programming, the inability to provide adequate public participation and the political implications associated with national cultures competing with foreign programming (Howell, 1986, p. 233).

Any satellite service other than Bell ExpressVu or Star Choice is considered illegal. Broadcasting is perhaps a nation's most conspicuous social institution and cultural manifestation as it has the most direct opportunity to reach the entire country with the same message. Canadian cultural issues have been a predominant concern in Canadian broadcasting long before Canadian television service even began.

### **Satellite Technology**

Currently there are three types of broadcasts involving satellites that are technically feasible. The first is point, which involves a transmission from one earth station to a satellite that then rebroadcasts the transmission to another ground station, also known as a fixed satellite service. The second is a distribution type broadcast involves the use of community receivers. Through an antenna it is possible for a large number of observers to receive through cable the television images diffused by satellite into the community receivers.

The final broadcast is direct broadcasting which will be the primary focus. All communication signals are spread over a band of frequencies, the width of which depends upon the complexity of the signal. Three Super High Frequency bands of the spectrum are currently used in satellite broadcasting: C-Band (4/6 GHz), the Ku-Band (11/14 GHz), and the Ka-Band (18/30 GHz) (Howell, 1986, p. 248). The lower of the two frequencies performs the uplink segment, which beaming of program signals for the

originating station up to the satellite is called uplink. The higher frequencies are used in the downlink segment, which requires the amplification and retransmission of the program signal from the satellite down to the ground stations (Poff, 1990).

The signal is known as the carrier since it carries the television picture, which is amplified by the earth station equipment and passed through a filter. This confines the frequency of the radiated signal to its appointed bandwidth and reduces the possibility of interference with other similar signals. Once amplified and filtered the television carrier is radiated from an earth station antenna towards the satellite, this is known as the uplink path. It passes through the atmosphere and 36,000 kilometers of space before it reaches its destination, where it again requires amplification. It is collected by the spacecraft antenna and passed to equipment which filters the signal, changes its frequency for the downlink, amplifies it and retransmits it. The re-transmitted signal passes through the same distance of intervening space and atmosphere to the receiving ground terminal where, once again, it is amplified to provide a useable input to the television set which is the final step (Negrine, 1988).

Low powered C-band satellites “operate with power levels under 20 watts per transponder and require a receiving dish antenna 8-12 feet in diameter, depending on their location relative to the satellite’s footprint” (Wall, Poirier, & Boucher, 1992, p. 4). The footprint is the projection of the satellite’s radio beam formed to a predetermined size, shape, and orientation (Negrine, 1988). The footprint for the consumer is perhaps the most significant aspect of satellite broadcasting as home reception signals requires that one be located within the footprint of a direct to home satellite. The footprint defines the “area in which satisfactory service from the satellite can be obtained” (Inglis, 1990, p.



401) requiring a clear line of sight between the rooftop dish antenna and the satellite.

The dish antenna also requires a “down converter that changes the high frequency microwave signals from the satellite into the lower frequencies used by conventional television channels” (Howell, 1986, p. 248). C-band transmissions do not fail to provide service during heavy rainstorms although due to the large receiving dish antenna that C-Band satellite requires they are now nearly obsolete in the satellite market.

Direct broadcast services use Television Receive Only dishes, which are installed for the purpose of pirating satellite signals intended for the reception of cable television systems. These installations were the first uses of satellites for direct to home broadcasting to receive signals from satellites in geostationary orbit on the 6-4 Gigahertz bandwidth also called the C-band, or on the 14-12 Gigahertz bandwidth, Ku-band. The introduction of scrambling or “encryption” technology has made DTH satellite broadcasting possible. The scrambling technology allows satellite companies to provide a viable cable-like service. DTH companies “connect” paying subscribers by allowing the signal to be descrambled by their receiver (Industry Canada). This development was a double edged sword for the cable television industry. It was an opportunity because it extended the service of cable systems beyond their franchised areas. It was a problem because it also provided a means for bypassing cable systems entirely (Inglis, 1990).

Direct broadcasting travels from a satellite directly into a home receiver. The signal is “intended for direct reception by the general public without any intermediary earth stations” (Luther, 1988, p. 136). An earth station is the “installation that transmits and or receives signals from satellites” (Inglis, 1990, p. 403). The dish is then wired to a receiver about the size of a VCR and is then hooked up to the television (“A little

dish...,” 2003). This direct ability is a primary concern for regulators as they are unable to control what is received into the home.

The first real “high-powered domestic satellite of 14/12 GHz” (Wall, Poirier, & Boucher, 1992, p. 7), Hermes or the Comm Tech Satellite was a joint project of the Canadian Department of Communication and NASA in 1976. The medium powered band Ku-Band use the fixed satellite service band (FSS) and operate at higher power than C-band between 20-60 watts per transponder. The main use of these satellites has been for the provision of cable service headends. Ku-band also allows for a smaller dish antenna size (Wall, Poirier, & Boucher, 1992) roughly 18” in diameter is the presence of a high-powered transmitter aboard the satellite with the capacity to deliver high quality program signals to every home within its footprint. Smaller and smaller dishes are now entering the market by the utilization of the ultrahigh-frequency range “Ku-Band that is between 11-13 gigahertz, a gigahertz being 1 million waves per second” (Howell, 1986, p. 247). Ku-Band is the frequency that is now predominantly used for most satellite radio and television transmissions (Luther, 1988). Unlike C-band, “Ku-band antennas can be located near microwave systems without being impacted by interference and can use smaller receiving antennas because of the higher powered Ku-band satellites” (Inglis, 1990, p. 405).

The use of a Ku-band transponder provided the opportunity to carry out direct to home satellite to very small antennas. This eventually led to the development of the direct broadcast or direct to home industry (Negrine, 1988).

## **The Canadian Cultural Identity**

“Canada enjoys a uniquely multicultural society; one that is diverse, yet distinct from our neighboring and foreign counterparts” (Edensor, 2002, p. 17). Language and culture both play a crucial role in the formation of a national identity and consciousness. Despite these elements that are present in the daily lives of Canadians, defining Canadian national identity characteristics is contentious. Canadians are unable to find a consensus on what exactly the Canadian identity is, or if one exists. In the process of this debate one element has remained consistent, measuring Canada against the United States.

Canada has long been associated with a communal or public identity as opposed to a private or individual identity that has been associated with the United States. The United States has been concerned with individuality and progress in which the control of the country is in the hands of large, anonymous corporate structures that have few ties to the community, and whose only motivation is creating a consumer base to increase profits. In a more individualistic culture, concerns about how people work, feed, move, amuse themselves, or care for themselves is secondary (Bolt, 1999). Robin Matthews has argued that:

At the heart of the Canadian identity is the dialectic between communitarianism and competitive individualism. On the one hand, Canadians have recognized the sanctity and freedom of the individual, furthermore; they emphasize the values of community, social well being, health care, and state sponsored education, minimum wage standards, and universal justice. Historically this dialectic has led to a mixed economy made up of a blend of public and private enterprises (Hiller, 1996, p. 315).

This blend of public and private services for all citizens became the standard against which Canadians could compare themselves with their American counterparts (Taras, 1997) and take pride in their caring and compassionate society. This comparison

is easily made against their Southern neighbors who have one of the weakest sets of welfare provisions in the industrialized world (Lipset, 1990). Despite the Canadian attempt to distance themselves from the Americans, the distinguishing features of Canada, such as health care and education, are currently under threat by those who are in favour of private health care and reduced welfare programs. This suggests an erosion of Canadian culture (Hiller, 1996).

Blending of public and private is further extended to the mixed broadcasting framework in Canada in which Canadian cultural issues have been a predominant concern in Canadian broadcasting since its beginnings. The abundance of American entertainment has always been difficult to keep out of Canada. This was realized as early as the 1920s with radio and was a foundational reason for the Aird Commission. The Aird Commission was asked to examine “five areas of Canadian broadcasting: educational component, international allotment, advertising, Canadian content, and ownership” (Lorimer & Gasher, 2001, p. 168). From the examination of these five areas it was recommended that “radio broadcasting in Canada be restructured as a national public system that would be owned, operated, and subsidized by the federal government” (Lorimer & Gasher, 2001, p. 168). This recommendation was met with resistance between those that felt that a free market free environment for radio would be best, and those who felt that the government needed to remain involved to prevent the Americanization of Canadian radio. It was hoped that the Aird Commission of 1928 would offer suggestions that would serve as a corrective to the amount of American content in Canada. In 1932, the Canadian Radio Broadcasting Commission (CRBC) was created to regulate, control, and conduct broadcasting throughout Canada. As a result of

the Great Depression and limited funding, the CRBC was unable to fulfill its mandate. Broadcast stations were only established in five Canadian regions relying on private stations to distribute their network programs to the other regions of the country. This mixed broadcasting system was adopted by the Canadian Broadcasting Corporation in 1936 and was carried over to into the development of CBC television in 1952.

The role of the CBC was to provide a space to display Canadian talent, interests, and opinions in the broadcasting structure of the country. Notably:

The CBC is deeply embedded in the consciousness of a very large number of Canadians. It is becoming increasingly evident that despite the absence of Canadian values, Canadians do exhibit certain common attitudes towards their country which they are proud. The public broadcaster, though it may not attract television audiences as large as supporters would like, it is also an important institution in this context. One, which has become a defining contributor to the Canadian psyche (Meisel, 1995, p. 143).

The CBC is important as it serves as an alternative to American content. Arguably, the CBC is expected to contribute to a sense of the country's identity. This expectation was outlined in the 1991 Canadian *Broadcasting Act* that stated: the programming provided by the Canadian broadcasting system should:

(i) be varied and comprehensive, providing a balance of information, enlightenment and entertainment for men, women and children of all ages, interests and tastes, (ii) be drawn from local, regional, national and international sources, (iii) include educational and community programs, (iv) provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern, and (v) include a significant contribution from the Canadian independent production sector (Government of Canada, 1991).

Despite this goal, the public sector has had increased competition from corporate and private competitors. The public sector has been shrinking in size due to cutbacks in government spending forcing the CBC to meet the same demands but with fewer resources. The federal government, through its regulatory body the CRTC has required private broadcasters to comply with Canadian content quotas in order that broadcasting might help “safeguard, enrich, and strengthen the cultural political, social and economic fabric of Canada” (Babe, 1996, p. 290). The ability of the Canadian media to fulfill this role has become more of a challenge as it has resulted in the decreasing of revenue coming from licensing, advertising, and mandatory contributions from private broadcasters to put back into Canadian content. As a result of these losses it is unclear if this mixed system will be able to succeed (Desbarats, 1996). The decreasing revenue is only one of the obstacles facing Canadian broadcasting; the presence of American content continues to be problematic.

Nearly all Canadians can receive one or more licensed Canadian television stations and also have the ability to tune into American stations. Although the option exists to watch either a Canadian station or an American station, the selection of a domestic station does not guarantee that Canadian programming is being watched as American programming is carried on Canadian television stations (Poff, 1989). With the exception of the CBC, the majority of licensed Canadian stations air a large percentage of American programming. Even when American content is bundled with Canadian programming popular American services have proven that “when American services in the past were introduced with Canadian services, Canadians did not leave the Canadian services” (Johnstone, 2003). Although Canadians may not have abandoned their own

programs, it is a particular group of programs that they remain committed to. Canadians watch domestic news, sports, current affairs, and documentaries (Negrine, 1988).

Despite Canadian's loyalty and commitment to public affairs programming, Canadians also have a "healthy appetite for slick entertainment fare." This is an advantage to Canadian broadcasters as it costs much less to import American programming than to produce a Canadian program, and is also less risky as the American programs are very profitable. Maintaining Canadian representations on television is becoming increasingly more difficult especially on the private networks. The private sector has a choice to invest in Canadian programming and take a financial loss or to make less profit by using American programming they choose to make a profit (Meisel, 1995), the problem is that the private sector is solely motivated by profit. The private sector supports the weakening of the public sector in search of increased profits by offering something different than the CBC; their suggestion is American programming. These American programs that draw large audiences help convince regulators that the foreign programs fill a needed role in Canadian television (Meisel, 1995). As a consequence, Canadian private broadcasting consisting of syndicated, cheap American programming, provide the highest possible appeal at the lowest possible cost (Berlin, 1990).

Such "dumping" (Shea, 1963, p. 80) of American programs into Canada has become problematic to the building and maintenance of the Canadian identity. The Canadian television audience is so "enormous that television is the principle lens through which Canadians experience their own culture" (Taras, 1997, p. 265), communicate with each other, and see their own reflection, helping to form their own identities, partially by

the images and stories that television provides (Littleton, 1996, p. x). When the images and stories that Canadians receive are not their own, but come from a foreign source the production and reproduction infringes on the identity of Canadians (Taras, 1997). This is particularly significant for Canadians that since as early as the 1920s were expressing fears of over dependence and saturation of American programming (Price, 1995, p. 6). This over saturation and integration of American programs resulted in Canadians sharing in many of the same interpretations with Americans, making it a significant threat to their own culture and identity. The importation of television programs from the United States encourages Canadians to adopt the American identity an identity that promotes, amongst other elements, the values of consumerism that in turn enhances American economic and political interests (Manning, 1974).

New technologies, such as direct to home satellite dishes, also pose a threat to Canadian culture. Direct to home satellite dishes constantly increase the range of foreign programs that are available to Canadians from the United States and abroad (Lipset, 1990). This large quantity of non-domestic programs has the potential to fragment national cultures, which Paul Audley states is “the weakness of Canadian television. Canada has allowed itself to be inundated with foreign culture without effectively ensuring the survival of its own” (1994, p. 327).

### **The Impact of Satellite Signal Theft**

Considerable pressure has been brought to bear on the Canadian market with the arrival of American based direct to home services, the illegal market which beams unauthorized content at hundreds of thousands of willing Canadian homes. These



services cover a secondary national market, Canada, by “virtue of technological reach rather than strategic business planning” (Stentor Resource Center, 1998). The abundance of American entertainment in the form of television programming has always been difficult to keep out of Canada, which was realized as early as the 1920s.

Despite the American television spill-over into Canadian homes, this problem has grown significantly due to American satellite dishes. The majority of Canadians who enjoy American entertainment oppose government initiatives that restrict their access to American programming and their desire for more American programming is fulfilled by unlawful means: illegal satellite dishes. The popular press use the terms grey or black market satellite dishes when they are referring to American satellite dishes that are used in Canada. It would be beneficial to move away from the terms grey and black and simply refer to them as illegal as to reduce confusion. Both grey and black involve unauthorized access to television signals. Black market satellite dishes refer to the reception by individual Canadians of satellite broadcast services that satellite users do not pay for the signals they receive, but use illegal descrambling devices (Atherton, 2003).

A grey market satellite dish is a satellite dish is purchased by a Canadian from an American supplier; the Canadian customer pays the American service provider a monthly fee. Although the American provider is still receiving payment for the service it is still an illegal act in Canada. Canadians can only purchase directly from a Canadian satellite company, as the American satellite providers do not offer any Canadian content, and have also not been authorized by the programming rights holders of the Commission for distribution in Canada.

It is estimated that over 750,000 Canadian households may be illegally accessing satellite services (Johnstone, 2003). Canadians searching for more American entertainment use choice as a justification to purchase and install an illegal American dish that will receive American programming. While a small percentage of these operations actually subscribe to Canadian satellite services in Ontario either Bell ExpressVu or Star Choice, the majority of these installations pick-up satellite transmissions of signals intended for cable headends through the use of tampered decoders (Wall, Poirier, and Boucher, 1992). This translates into an estimated \$400 million per year in lost revenue to Canadian actors, writers, directors, producers, technicians, advertisers, broadcasters and the many others employed in the airing of Canadian television programs (Johnstone, 2003). Electronic shoplifting handicaps Canadian television programming distributors, who have to go through lengthy licensing procedures (Hawaleshka, 1996). "Canadian broadcasters and programmers have spent millions of dollars acquiring the rights to programs," said Greg Walling, president of Star Choice. "Black or grey market infringes on their rights, it's as simple as that" (Grey only in..., 1998).

Theft or piracy of broadcast signals is an illegal activity. The U.S. programming distributors decided that the only way to stop direct reception of satellite signals was to encode the signals so that only authorized receivers having decoder boxes could decode the signal. This was only a temporary fix as others figured out how to decode the signals (Cooke, 1984). "We've always anticipated that anything that a group of engineers could create, an equally sophisticated group of engineers could undo" Linda Brill DirecTV spokeswoman (Hawaleshka, 1996). In order to obtain these illegal American dishes

customers either set up an American mailing address so that their American satellite company does not know they are providing service in another country and so that their bill can be sent, this billing loophole gets around the CRTC's television footprint ("Grey only in...., 1998).

Unauthorized decoding of encrypted subscription signals commonly referred to as grey or black market, occurs in two ways. Dealers may provide customers with decoding equipment that has been tampered with to bypass encryption systems. Or Canadians can purchase re-programmed smart cards that permit unauthorized users to circumvent the controlled access system and decode encrypted satellite television programming, whether from the US or Canada free of charge ("Government of Canada...., 2004). No subscription payments are made to the right holders of the legitimate service provider. This is referred to as the black satellite market. The grey satellite market consists of Canadians purchasing equipment and service from a U.S. provider. The U.S. provider is receiving payment for the service they provide, but the Canadian customer is not supporting the Canadian broadcasting industry as no resources from U.S. satellite service contribute to Canadian broadcasting.

Canadians not only steal American signals, but also Canadian signals. In Quebec's predominantly Francophone market, consumers mainly pirate signals from Canadian satellite services, in order to receive French-language programming not carried by US satellites. A Leger Marketing survey revealed that one out of five Quebecers knows someone who is pirating specialty channels (Canadian Cable Television Association, 2003).

### **Satellite Broadcasting/Distribution Undertaking Policy**

In an attempt to prevent this American penetration, policies established by the Canadian regulator, the Canadian Radio-Telecommunications Commission (CRTC), for satellite broadcasting will be examined, using the 1991 *Broadcasting Act* with specific focus on the areas that address “distribution undertakings” that relate to direct broadcasting satellites will be examined. As well, the *Radiocommunication Act* specifically Bill C-2 an *Act to Amend the Radiocommunication Act* that specifically addresses direct broadcast satellites. Furthermore, the Supreme Court of Canada’s April 26, 2002 decision that forbids the illegal decoding of satellite programming in Canada will additionally be discussed. Through a combination of these Acts that the cultural, technological and legal aspect of direct broadcast satellites will be addressed. The policy regarding direct broadcast satellites is significant as it provides the CRTC with the opportunity to regulate a new medium and prove that it is capable of adapting to the changing technological environment.

Since Canadian cultural policymaking began in the 1920’s in Canada, strong beliefs have existed that reinforced the notion that broadcasting provided a needed tool to nation building. Historically, the regulation of Canadian broadcasting has been based primarily on three main principles; the first is that broadcasting should serve as a public service tool. The Canadian broadcasting system should, “through its programming, provide a public service essential to the maintenance and enhancement of national identity and cultural sovereignty” (Government of Canada, 1991). The Canadian broadcasting system should also “serve to safeguard, enrich, and strengthen the cultural, political, social and economic fabric of Canada” (Government of Canada, 2002a)

primarily in the English and French languages and comprising public, private and community elements.

Secondly, new media that fall under the definition of broadcasting must be incorporated into existing policies (Government of Canada, 2002a). This second principle has been a problematic area of Canadian broadcasting policy as new technologies do not easily fit into the existing policy framework; direct to home satellite broadcasting is a specific example where broadcasting policy was not enough to regulate this new medium and required additional support. The goals set for broadcasters have been varied, whereas the aim of the production and exhibition of Canadian content has remained:

under its mandate to implement the policy objectives set out in the *Broadcasting Act*, the Commission has imposed Canadian exhibition and expenditure requirements on traditional broadcasters, as well as requirements for distribution undertakings to contribute financially to the production of Canadian programming. This was done in recognition of the fundamental importance of broadcasting to Canadian sovereignty and cultural identity and the realization that market forces alone would not provide a significant amount of Canadian content” (Government of Canada, 1999, p. 60).

The third pillar is concerned with control over broadcast frequencies. Originally there was not an abundance of bandwidth frequencies that could be utilized for broadcasting. These bandwidth frequencies were regulated under a licensing framework, which allowed the Canadian government to control who received a license and their means to transmit information. Controlling frequencies also prevented interference with different signals. Technological changes occurring in the communication industry will challenge traditional concepts of spectrum scarcity and geographical limitations, with more bandwidth for programming services that is not restricted from geographical

conditions (“New consumers, new...,” 1998). As new technologies emerge, which allow for the digital distribution of television signals and the expansion of channel capacity through broadband technology, such as direct to home satellite, the idea of frequencies being limited will soon be an issue of the past.

The importance of television broadcasting is reflected in the 1991 *Broadcasting Act*. The *Broadcasting Act* is essentially a set of regulations and requirements for Canadian broadcasters. The focus here will be on the regulation aspects of direct to home satellite broadcasting also referred to as distribution undertakings. The issue of illegal satellite dishes has been a dominant regulatory concern for the Canadian government as it “was inherently a long-distance communications system, which gave it an international character” (Inglis, 1990, p. 407). As a result of this international characteristic or a point to multipoint broadcast service, the government has realized that they need to intervene in this issue so that the main tenets of regulating broadcasting in Canada may be preserved.

Changes that have occurred in the communication industry have challenged how effectively a regulatory body such as the CRTC can operate; these changes are present in direct to home satellites. Direct to home satellites have changed the relationship with the consumer:

as direct consumer payment becomes more important, the importance of consumer acceptance will also grow; increased levels of competition, in many cases in industries that were characterized by monopoly or near-monopoly structures; and the rapidly changing pace of technology which enables more competition and subjects more products and services to the test of consumer acceptance (“New consumers, new ...,” 1998).

The *Broadcasting Act*, through the CRTC, “is directed to promote, through licensing, a dynamically competitive market for DTH distribution undertakings (a direct to home satellite distribution undertaking), and is directed to ensure, by appropriate

means, that, with respect to the operation of a licensed DTH distribution undertaking” (Government of Canada, 2002a). DTH under the *Broadcasting Act* has substantially the same rules that are in effect for other distribution undertakings (cable, multipoint distribution systems) regarding the selection of Canadian and foreign programming services (giving priority to the carriage of Canadian television signals and, in particular to the carriage of local Canadian stations). They are also required to make financial contributions to Canadian programming of more than five percent of gross annual revenues to the production of Canadian programming. Distribution undertakings must deliver more Canadian than non-Canadian audio and television services to each of their subscribers. Where the undertaking decides to distribute one or more English-language pay per view services, the undertaking is required to distribute at least one French-language pay-per-view service as soon as the service is available. Distribution undertakings should provide efficient delivery of programming at affordable rates, while using the most effective technologies available at a reasonable cost.

Canadian direct to home service providers must include the following as part of their basic service package: the CBC English and French language network signals; a CTV network signal; the aboriginal service APTN; the French language service; and distribute the House of Commons and its various committees. These service providers are free to decide how they will package optional services as long as they “provide space to all licensed Canadian pay-television and Category One specialty programming services and ensure that customers receive a majority of Canadian programming” (Government of Canada, 2002a). It is also expected that broadcasting undertakings will provide reasonable terms for the carriage, package, and retailing of these program

services. The capital requirements to enter the direct broadcast market are substantial, ranging from roughly “\$500 million to over \$2 billion” (Wall, Poirier, & Boucher, 1992, p. vii). Once the system is established, operating costs do not appear to be a major entry barrier, although marketing expenditures consume substantial resources before and after service begins (Wall, Poirier, & Boucher, 1992). A more significant barrier to entry is that the CRTC decided that satellite television companies must pay for signal conversion to their own technology if they want to compete with cable companies. This is estimated to cost up to \$25 million a year. This cost prompted one Canadian satellite company, Power DirecTV, in February to drop its plans to set up a Canadian service (“Bell ExpressVu announces ...,” 1999).

The CRTC rules put satellite television at a disadvantage to cable television regarding subscriber rates. The CRTC mandated to “promote through licensing, a dynamically competitive market for DTH distribution undertakings” this meant that unlike cable, satellite subscriber rates would not be predetermined by the regulator. This was done to increase competition by allowing market forces to prevail (“Bell ExpressVu announces...,”1999). The upfront cost of becoming a subscriber to a Canadian DTH service is significant, requiring the purchase of signal-receiving hardware costing between \$500-1000. Illegal satellite costs are substantially less if the hardware is purchased in the US (Stentor Research Center, 1998). The amount that the CRTC has decided not to regulate is also a deterrent to those who cannot afford satellite broadcasting, requiring them to stay with cable television. As a result, direct to home satellite prices have dropped significantly to less than \$ 200 for equipment (Government of Canada, 2002).



In Public Notice CRTC 1997-25, the CRTC decided not to regulate subscriber fees for direct to home satellite distribution undertakings. The commission considered that “to do so would not be in keeping with the objectives of encouraging increased reliance on market forces in the provision of services and ensuring fair and sustainable competition in the delivery of communications systems to the home” (Government of Canada, 1997). Despite this decision not to regulate subscription fees to encourage market forces the CRTC has made decisions regarding licensing.

The CRTC is directed not to authorize any person or class of persons to carry on a DTH distribution undertaking other than by means of a license issued by the CRTC for that purpose. Although the CRTC states this they do not provide any information on penalties to those who do not obtain a license to broadcast in Canada, and fail to discuss customers who buy from a distribution undertaking that has not received a license. This is where the *Radiocommunication Act* becomes imperative.

The *Radiocommunication Act* “through its programs and services is helping to build a dynamic and innovative economy where all Canadians have the opportunity to benefit from more and better-paying jobs, stronger business growth, and a marketplace that is fair, efficient and competitive” (Industry Canada, 2002). As recently as March 2004, amendments were proposed to the *Radiocommunication Act* to provide measures that “facilitate compliance with and enforcement of the Act, including adding certain inspection powers, increasing fines, and outlining what can be considered evidence. Enforcement of the *Radiocommunication Act* is carried out by the RCMP. Section 9(1) of the Act sets out a prohibition on the unauthorized decoding of encrypted programming signals “No person shall...decode an encrypted subscription programming signal or

encrypted network feed otherwise than under and in accordance with an authorization from the lawful distributor of the signal or feed.” Section 10(1)b of the *Radiocommunication Act* “makes it an offence to manufacture, import, sell, install, modify, operate or possess equipment for the propose of contravening section 9(1)(c) (LEGIS Info Library of Parliament, 2004). However, these amendments were never passed, and died on the order paper when the 37<sup>th</sup> session of Parliament was prorogued.

In an attempt to prevent piracy, the *Radiocommunication Act* has been amended to provide more authority and inspection powers to “enter and inspect any place in which the inspector believes on reasonable grounds that there is any radio apparatus, interference-causing equipment or radio-sensitive equipment, any other thing related to such apparatus or any record, book or account of other document or data relevant to the enforcement of this Act.” Upon inspection to “examine any radio apparatus, interference-causing equipment or radio-sensitive equipment found there, as well as any other thing related to such apparatus or equipment;” “examine any record, book of account or other document or data that the inspector believes on reasonable grounds contains information that is relevant to the enforcement of the Act and make copies of them;” and “ open or cause to be opened any package or container that the inspector believes on reasonable grounds” (Government of Canada, 2004).

Fines have also been increased, originally section 10(1) of the *Radiocommunication Act* stated, “Every person who is guilty of an offence punishable on summary conviction and is liable, in the case of an individual, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year, or to both, or, in the case of a corporation, to a fine not exceeding twenty-five thousand dollars”

(Government of Canada, 2004). This section has been amended-(2.1), “every person who contravenes paragraph 9(1) c is guilty of an offence punishable on summary conviction and is liable, in the case of an individual, to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year, or to both, or, in the case of a corporation, to a fine not exceeding \$200,000” (Government of Canada, 2004). It is hoped that these significantly increased fines will deter customers.

In order to lay fines evidence is required. Under section 16.1(1) “the original copy of the bill of landing, customs form, commercial invoice or other similar document, in this section called a “Shipping document”, is admissible in evidence in any proceeding under this Act. If it appears from the shipping document that (a) the apparatus or device came into Canada; (b) a person, as shipper, co-signer or consignee, brought the apparatus or device into Canada; or (c) the apparatus or device was sent or shipped to a particular destination or person” (Government of Canada, 2004) fines can then be laid.

Sections of the *Radiocommunication Act* have been the subject of court challenges involving Canadian retailers that sell American satellite dishes in Canada. The Supreme Court of Canada’s decision in the case of *Bell ExpressVu v. Richard Rex* (owner of Can-Am Satellites) “confirmed that decoding without authorization is illegal, as well as the manufacturing, importing, distributing, leasing, selling, installing, modifying or possessing devices designed to circumvent direct to home encryption systems.” The Supreme Courts decision “supports the government’s commitment to put an end to signal piracy and grey market activities. It clearly is a gain for the integrity of the Canadian broadcasting system” said former Minister Copps (Industry Canada, 2002).

### **Chapter 3: Methodology**

#### **The application of critical discourse analysis on the representation of satellite signal theft**

A critical discourse analysis of three newspapers: *The Toronto Star*, *The Ottawa Citizen* and *The National Post* will be examined to reveal how the topic of illegal satellite dishes was represented. A search of these three newspapers was conducted using the online database, Canadian Newsstand from January 1, 2000 to September 1, 2004. In order to find related newspaper articles during this time period a key word search was performed using the words: illegal satellite dish, direct to home satellite, grey market, satellite piracy, direct broadcast satellite, DirecTV, Star Choice, Bell ExpressVu, CRTC satellite, Bill C-2, *Radiocommunication Act*, and DTH. The same key words were used to search each of the newspapers. There were 172 articles directly relevant to the topic of satellite signal theft. Out of these 172, 125 articles were found in the business section, 18 were found in the category of news under the subject heading of business, and 16 articles were found in the front news section while the remainder was found in other categories ranging from entertainment, arts and life and one found in the travel section. Unless otherwise stated the newspaper articles were all either news reports or opinion editorials.

Critical discourse analysis is a methodology that utilizes a multidisciplinary approach to the relationship between language and social practice. Critical discourse analysis is concerned more specifically with “the social practices of language behavior, with the dialectics between societies (including its subsystems), power, values, ideologies, opinions expressed and constituted in and about language” (Szuchewycz, 2000, p. 499). Discourse ideally should address and expose dimensions of power abuse

and injustice at the hands of elites, institutions, or dominant groups (van Dijk, 1998). The focus of critical discourse analysis is the powerful elites that “enact, sustain, legitimate, condone, naturalize, or ignore social inequality and injustice” (van Dijk, 1998, p. 252).

A critical discourse analysis will be used for the following key areas. Background, the history and conditions surrounding a topic; lexical style, the different vocabulary used to present a topic in either a positive or negative manner; statistics, using precise numbers to suggest truthfulness to the audience; counter-power, the sections of the newspaper that allow the staff and public to voice their opinions; and policy, to provide information on public policy. These areas were concentrated on as they provide the most accurate overall representation of the content in the newspapers.

The mass media produce a discourse that is geared toward supporting the current power structure. It is expected that the news provide accurate and in-depth information that provides the public with the necessary information to make informed choices. Although the media claim objectivity and neutrality in reporting, corporate and elite interests influence what receives coverage and how stories are framed. The media “function[s] to frame and contextualize news events and thus provide the public with a specific definition of the situation” (Szuchewycz, 2000, p.499) this framing is problematic as the production of news follows the value of the corporations that own them. Various power roles enter into the decision making process before the final product is produced (van Dijk & de Gruyter, 1985). These various power roles reflect the interests of the powerful which are then communicated to the public (Szuchewycz, 2000). Members of more powerful social groups and institutions, and especially their leaders (the elites), have more or less exclusive access to, and control over one or more types of public discourse, for example journalists and media discourse. Power involves control

over knowledge, beliefs, understanding, attitudes, norms, values and access. Power is legitimated in society through support from laws, police and ideologically supported and reproduced by the media. It is through these institutions that power and dominance of groups are measured by their access to discourse. The group that has the most influential discourse also has more chances to shape the minds and actions of others; the media would be a prime example of this. Critical discourse focuses on the abuse of such power that the powerful elite have over others which allow them to shape people's beliefs and actions. In many situations there are no other discourses or media that may provide information from which alternative beliefs may be derived. Thus, the audience may not have the knowledge to challenge the discourse.

Using critical discourse analysis to analyze media is important, as newspapers have a significant effect on how audiences perceive a particular issue and therefore play an important role in how audiences influence public opinion.

The media have become so ingrained in the daily activities and functions of society that they are often disregarded as a business, for the most part large powerful businesses. Society for the most part believes that the media function to inform and entertain, and neglect to consider that they are motivated like any other business by profits. In an attempt to increase profits the media landscape has changed drastically in the past decade as a result of both horizontal and vertical integration. This change is clearly displayed in the examined newspapers: *The Toronto Star*, *The Ottawa Citizen* and *the National Post* or the media outlets that were mentioned within these newspapers regarding the topic of satellite signal theft (Rogers, Cogeco, Videotron Itee, Shaw {StarChoice}, and Bell {Bell ExpressVu}). Background on these various media outlets is useful in reinforcing the fact that they are businesses that have a vested interest in

ensuring that the information they provide not only sells their product, but also ensures that their business interests are well served.

These three newspapers are important to the topic of satellite signal theft, as they are not directly involved in satellite services, as they do not own Bell ExpressVu or StarChoice. These newspapers also represent a national newspaper (the *National Post*), a metropolitan paper for the largest city in Canada (the *Toronto Star*), and the newspaper from the nations capital (the *Ottawa Citizen*), which provide for different audiences. The analysis provided of the ownership interests of each newspaper and of the other media outlets mentioned in the coverage of this topic will help put the coverage of the topic into perspective.

### **Selected Canadian Media Outlets**

#### ***Bell***

Bell's monopoly on local and long distance telephone service has allowed them the financial ability to branch out into other areas of communication including Bell ExpressVu direct to home satellite service is part of Bell Canada Enterprises Canada's largest communications company. Bell Canada Enterprises consists of CTV Inc., Canada's number-one private broadcaster and *The Globe and Mail*, the leading daily national newspaper, Bell telephone service for local and long distance calls, Bell Mobility Cell Phones, high speed Internet, Bell Sympatico Internet service, and DSL. Bell Canada Enterprises also owns one hundred percent of Telesat, one of the early pioneers of satellite communications and systems management, carries the bulk of Canada's television signals, including hundreds of channels of direct-to-home television

programming to a growing market of consumers across the country (home Bell Globemedia).

### ***The Toronto Star***

*The Toronto Star*, originally *The Evening Star*, was established in 1892 by 21 printers (Torstar, 2005) and four teenage apprentices who were locked out during a labour dispute at *The Afternoon News*. Their aim was to publish a serious journal. Despite this ambitious start the paper ran into problems and it was not until seven years later in 1899 (Torstar, 2005) that *The Toronto Star* under the editorial leadership of Joseph Atkinson developed into a successful, paper that was geared towards the interests and concerns of the ordinary citizen. This founding philosophy has been maintained in the *Toronto Star* and is the reason that the paper remains a liberal paper.

In August 1985 *The Toronto Star* and Southam signed a share exchange agreement under which Torstar acquired a 23 per cent interest in Southam and Southam acquired about 30 per cent of Torstar's non-voting shares (Torstar, 2005). In 1999, *The Toronto Star* joined together with four other major newspapers in Southern Ontario to form the Torstar Daily Newspaper Group. Torstar has continued to expand to include Metroland Printing, Publishing and Distributing, which is now the largest and most successful publisher of weekly community newspapers in Canada, and CityMedia Group, which together include almost 100 (Torstar, 2005) newspapers and related services, principally in Southern Ontario. Torstar is also involved in book publishing through their ownership of Harlequin, the leading publisher of romance novels. Torstar is also involved in television through Torstar Media Group Television, a 24-hour direct-response



television business operating the SHOP TV Canada channel, which reaches approximately 1.4 million cabled households in the Greater Toronto Area (Torstar, 2005).

### ***Cogeco Cable***

Cogeco Cable is the second largest cable system operator in both Ontario and Québec and the fourth largest in Canada (Cogeco, 2005). Cogeco Cable provides communication services to its consumers and advertisers through cable distribution and broadcasting. Cogeco cable also offers digital cable, and the choice of analog, digital and high-speed Internet services.

### ***The National Post & The Ottawa Citizen***

*The National Post* and the *Ottawa Citizen* are owned by CanWest Global Communications whose mission statement is to inform, enlighten, and entertain people everywhere so as to improve the quality of their lives. This mission statement is guided by five core values: serve the customer; strive for quality and excellence; win, but win fairly, with integrity and honesty; empower citizens with knowledge; and give back to the community (CanWest Global, 2005). These principles guide the eleven English language major metropolitan daily newspapers in Canada which include the *Montreal Gazette*, *Windsor Star*, *Regina Leader-Post*, *Saskatoon StarPhoenix*, *Calgary Herald*, *Edmonton Journal*, *Vancouver Sun*, *Vancouver Province*, *Victoria Times-Colonist* and the previously mentioned the *National Post* and the *Ottawa Citizen*. The *National Post* is considered the conservative paper of Canada that follows the lead and guidelines of its editor, regardless of the “five core values.” CanWest Global also publishes smaller

market dailies, paid weeklies and free weeklies. Outside of publishing CanWest is also involved in television, the Global Television Network broadcasts over-the-air via 11 television stations, licensed in eight provinces, and reaches 94% of English speaking Canada. Outside of Canada CanWest also has 57.5% (CanWest Global, 2005) economic interest in Network Ten Australia, owns all of TV3 New Zealand, the first private commercial network as well as C4 New Zealand. CanWest also owns 45% (CanWest Global, 2005) of TV3 Republic of Ireland, the first private sector national television broadcaster in Ireland. CanWest not only owns the television stations but also owns the specialty channels: Prime TV, Men TV, Mystery, Deja View, Lonestar, Fox Sportsworld Canada, Xtreme Sports and Cool TV, to air on these stations.

CanWest's ownership of newspapers and television stations is an example of concentrated ownership. As a result of using two newspapers owned by CanWest *The National Post* and *The Ottawa Citizen* it is important to identify the impact of this ownership. In the fall of 2001, CanWest required its member newspapers to carry corporate editorials or as CanWest refers to them "national editorials." To have a national editorial policy specifically addressing issues of national significance leaves the editorial boards of the newspapers with very little decision power and places restrictions on the journalists. This is a significant problem for Canadians as it reduces the diversity in the Canadian media and serves the corporate interests of CanWest and not the interests of the audience (O'Malley, 2002).

While not directly having an ownership stake in either Bell ExpressVu or Star Choice, all three newspapers examined have an indirect stake in the grey market issue since they own television stations.

### ***Rogers Cable***

Rogers Cable TV, named for its founder Ted Rogers, became the first cable company to expand past 12 channels in 1974 (Rogers, 2005). In an attempt to entice viewers the cable company specialized in adding more programming choice, in particular with multi-cultural television. In 1979, Mr. Rogers' company, Rogers Cable TV Limited, acquired control of Canadian Cablesystems Limited and one year later in 1980 (Rogers, 2005), Rogers purchased Premier Communications Limited, which almost doubled Rogers' cable subscribers and made Rogers the largest cable television company in Canada. In 1994 Rogers successfully acquired the publishing assets of Maclean Hunter Limited. Rogers Communications Inc. is Canada's national communications company engaged in cellular, Digital PCS, paging and data communications through Rogers Wireless; in cable television, high-speed Internet access and video retailing through Rogers Cable Inc., and in radio and television broadcasting, tele-shopping, publishing and new media businesses through Rogers Media Inc.

### ***Shaw Communications***

Shaw Communications Inc. main focus is to offer broadband cable television, Internet and satellite direct-to-home (DHT) services to approximately 3.0 million customers (Shaw, 2005). Shaw is in a unique position, as they are able to offer customers a choice between cable or direct to home satellite service. Even if customers move from cable to satellite service as long as they do not move to an illegal service, it is likely that Shaw will remain their provider. Shaw also bundles High-Speed Internet with Digital Cable Television, High Definition Television and other entertainment services (Pay-Per-

View movies and events, Video On Demand) into one package. Shaw also owns Cancom, which manages one of North America's largest full service commercial signal distribution networks that delivers more television and radio signals to North American broadcast redistributors than any other single-source satellite supplier (Shaw, 2005).

#### **Chapter 4: Analysis of discourse, 3 newspapers**

Critical discourse analysis requires an explicit sociopolitical stance. The goal is for change to occur through critical understanding and to prevent unequal power relations from continuing; to change the present view that places economics and industry forces above all else. The analysis of the coverage in the three newspapers will support the profit motivated cable companies' claim that the illegal satellite market is ruining their industry. They fail to recognize the other side of the situation, that illegal satellite dishes are threatening the Canadian national identity by only providing foreign content, resulting in less economic resources for the Canadian broadcasting industry. These three newspapers legitimate the cable companies' claim that the illegal satellite market is ruining their industry by primarily presenting one side of the issue, the economic consequences to the industry.

#### **Analysis of CDA Category Background**

A news story may feature background; usually background follows later in a news story (van Dijk & Erlbaum, 1987). The background may include the history of the actual event and its context (van Dijk & Erlbaum, 1987). Background is essential to provide the necessary facts in order to understand the rest of the story (van Dijk, & de Gruyter, 1985). Background information reveals how discourses are always connected to other discourses that were produced earlier (van Dijk, 1998). This information can also include intertextuality, the accumulation and generation of meaning through various texts (Stubbs, 1983). This will help provide a better understanding of not only the topic at hand but also of the analysis, as the background information and technological aspect of illegal satellite dishes is not adequately explained in any of the newspaper articles.

Having a clear understanding is crucial as interpretations of discourse vary due to the audience; age, sex, location, beliefs etcetera and the amount of information that is provided (van Dijk, 1998).

The lack of background information on satellite signal theft is very problematic as audiences are not being fully informed on the issue in the newspaper articles that address this subject. It should not be assumed that audiences are fully informed and up to date on the topic, or have read previous newspaper articles that provided background information. It is the responsibility of the newspaper to make audiences familiar with terms and texts including policy related issues that are referred to.

Terms such as grey and black market satellite dishes are used throughout the newspaper articles: “The so-called grey market” (Gillis, 2001) *National Post Jan 5, 2001*; “Put an end to both black-market and grey-market satellite television” (Lewis, 2002b) *Sept 20, 2002 NP*; “Growth of the U.S. satellite grey market” (Brent, 2004f) *NP July 22, 2004*; ““no one knows for sure how many households have ‘gray market’ satellite dishes” (Roseman, 2004) *TS Aug 3, 2003*; “Stubek stopped selling such ‘grey-market dishes’” (Atherton, 2003a) *OC May 17, 2003*; “losing turf to the black market satellite hackers and the gray dish subscribers” (Zerbisias, 2002) *TS Oct 3, 2002*; “Estimated there are as many as one million “grey-market” satellite subscribers in Canada” (Tibbetts, 2001) *OC Dec 4, 2001*; “Satellite television dealers can continue to sell “grey market services” from US providers” (Corocoran, 2002b) *OC April 30, 2002*. All of these examples use the terms grey and black market yet they do not expand on these terms to clearly explain what they are, and the differences between them.

The terms grey market and black market were only fully explained once in the *Toronto Star* and twice in the *National Post*. The article “Pirates dish out hate mail” from the *Toronto Star* on May 1, 2002 explains:

The “gray” market consists of those folks who buy satellite equipment either here or south of the border, and then subscribe to an American programming service such as DirecTV, by using a US address. This market seems to consist of mostly of those folks who live in remote areas where cable companies ignored them for years or who want access to US sports and movie channels, or who want to watch foreign language programs from their home countries and/or who hate Canadian TV. The “black” market consists of those who hack into an American service and steal the programming without paying.

Similarly on April 27, 2002 the *National Post* (Marr, 2002) clarified that:

A large percentage of the so-called grey market satellite customers are consumers using a plastic dish to take a scrambled signal out of the sky and then, with an unauthorized card with a computer chip on the back, unscramble -receiving the U.S.-based programming without paying any monthly fees.

The above explanation of the “so-called grey market” is incorrect, although customers do take signals out of the sky and do use an unauthorized card, they *do* pay monthly fees to a US service provider. *The National Post* further expanded on the April 27, 2002 explanation two days later on April 29, 2002 to more correctly distinguish between the black and grey satellite market:

The “black” market is the sale of “hacked” encryption cards that allow consumers to pick up signals from any satellite service without paying. The “grey” market is the purchase of dish-receivers for foreign satellite TV services-notably DirecTV-by resident Canadians who pay a monthly subscription fee (Fraser, 2002a).

There was also an example from the *National Post* on March 21, 2003 where the common terms grey market and black market were not used, but an explanation that

defined both terms was provided: “more than one million Canadian homes get their service from illegal satellite dishes-either through being billed at a phony US address or purchasing equipment to capture and illegally decode U.S. satellite programming that streams into Canadian airwaves” (Shecter, 2003a). Providing definitions without using the terms is very presumptuous and assuming that the audience has an understanding of the topic at hand, especially when there has been an evident lack of background information that defines these terms.

The terms grey market and black market are not terms that require lengthy explanations, yet the failure to define these terms in most newspaper articles allows the newspaper to remain in a position of power. They know what the terms mean, while the audience is left questioning what they are and what the differences between them are. If the goal of the newspaper is to provide information to the public they have failed in this attempt. If the newspaper’s goal was to eliminate the definitions of these words in order to keep the negative connotation associated with the black market prevalent they have succeeded.

The negative connotations associated with the black market are well known, although it still may be unclear to some audience members what the grey market is, without an explanation it can only be assumed that the grey market is a lesser version of the black market, still illegal, but not quite as bad as the black market. The blurring of references and lack of formal distinction and explanation regarding the black and grey markets is intentional; the newspaper wants to associate the topic of illegal satellite service providers with the “black market” to deter people from participating in it.



It is also interesting that for many of these examples the words grey, black, hack, and smart card appear in quotation marks. The use of quotation marks aside from being used to indicate when someone is speaking also has other purposes. Words that appear in quotation marks are used for various reasons and can indicate many things: suggest irony, indicate that the author failed to find the precise word or expression necessary, to produce ambiguity, and call attention to and provide emphasis on that specific word (Lord, 2000) and makes its actual meaning suspect. The use of quotation marks specifically around the word “grey” not only calls attention and clearly distinguishes the word from the rest of the text, the term grey market has also been an unclear word, debating on the legality or illegality of it.

There is a lack of contextual information in the coverage of satellite signal theft specifically regarding the parties involved such as Bell ExpressVu, StarChoice, Cogeco, Rogers, Videotron Itee, and Shaw. In the absence of this information, the direct involvement that these companies have in the issue of illegal satellite providers could be viewed by audiences as secondary to the issue of signal theft it is important that the focus remain on the illegal act of stealing and not on the concerns of the companies involved. To help reinforce the illegal nature of satellite signal theft it is made abundantly clear in the newspaper articles who the legal satellite providers are: “Bell ExpressVu and Star choice, owned by Shaw Communications, are the only licensed direct to home satellite providers in Canada” (Whittington, 2002), “Canada’s two licensed satellite TV companies, Bell ExpressVu or Star Choice Communications Inc” (TV companies launch...2002), “Bell ExpressVu, one of two licensed satellite distributors in Canada” (Kari, 2003a), “Bell ExpressVu and Star Choice are poised to dominate the burgeoning

digital TV market” (Stewart, 2001), “only domestic direct to home satellite distributors, such as Bell ExpressVu or Star Choice, are permitted” (Kari, 2002b), “satellite operators Bell ExpressVu and Star Choice Communications Inc” (Shecter, 2001d). The repetition of stating who the legal satellite providers in Canada are not only helps reinforce that all other satellite dish service providers are illegal, but also to help establish brand recognition. Canadians will become familiar with Bell ExpressVu and StarChoice and even when new satellite service providers are approved will tend to choose ExpressVu or StarChoice as they are names that are easily recognized as a good choice, if they are the only two licensed they must provide good service. The monetary concerns that the companies involved have regarding satellite signal theft is not a secondary issue. In fact the only reason that satellite signal theft is discussed and considered such a threat is that these companies have made it a priority.

The overall lack of information on the topic of satellite signal thefts is problematic. If readers require more information than is provided here they must do their own research. Since most audience members will never explore this topic beyond reading a newspaper article, the newspaper and the associated elites remain in position of power and control, providing the audience with a carefully constructed overview of the topic that reinforces the legal television provider’s perspective that stealing satellite signals is wrong.

### **Analysis of CDA Category Lexical Style**

Lexical style refers to different vocabulary used to either present a topic from a positive or a negative angle. A positive or negative lexical choice works together with

mitigation, the positive self-presentation of the own group, and the negative presentation of others (Szuchewycz, 2000). The choice of lexical style is significant as:

Words not only label objects or events within a system of classification based on principles of inclusion and exclusion, commonality and differentiation. Key to understanding these differences in meaning is the contextual use of the terms themselves (Szuchewycz, 2000, p. 505).

The lexical style throughout the articles can be categorized into three groups; language that addresses and is used in both the legal and business professions and the negative connotations associated with satellite theft. Both the use of legal language and business language work together to reinforce the negative connotations associated with satellite signal theft.

The use of business language helps the focus remain on the issue of economics and the industry and helps diverge from all other topics. Using language associated with corporate professions also helps establish the audience. Readers who are in the position to understand and recognize the business terminology being used are likely involved in fiscally-oriented professions themselves and will be sympathetic to the side of big business. Conversely, readers who do not understand the terminology being used will either not take the side of business, or will not continue reading the article because they either do not understand or are simply not interested.

General business language was used in various newspaper articles, such as “rapid consolidation, acquisition, merger, market power, domestic market” (Fraser, 2000a), “vertical integration, competitive behavior, monopoly, market failure, market dominance, equity stakes” (Fraser, 2001a), “subsidiary, convergence, industry wide problem, pension fund manager” (Hamilton, 2003a), “investor, client, profit, capital, revenue” (Boring and stable...2003), “monopoly, competitor” (Corocoran, 2002) and “mergers, power base,

revenue, price caps, and consolidate” (Sutel, 2001). These examples of general business language indicate how frequently this language is used.

The terms listed above are familiar to a corporate reader and the terms are used consistently throughout the three newspapers. One newspaper article used this language in an attempt to entice the business reader and alienate the non business reader by using language that asserts the dominance of business. This can clearly be seen in the use of business title and size illustrated in the March 19, 2001 *National Post* article by Fraser. In the corporate world size is very important; businesses want to grow in order to compete and survive. The words used to show mass are “Big Cable, monopoly, and empire.” “Big Cable” refers obviously to the size, what is interesting here is that the size is so important that not only is the word “big” used, but both the words “big” and “cable” are both capitalized within a sentence. The use of capitalization on both big and cable is used in a pejorative manner. Referring to something as big business conjures images of large faceless corporations who are only responsible to their shareholders and whose only goal is to turn a profit regardless of layoffs, or corporate excess. Big business does not care about the independent business person that is attempting to provide a service and also make a profit. The use of the word monopoly entails that the business has grown to a point where they are able to maintain exclusive possession or control over a commodity, smaller businesses are not considered monopolies. Similar to a monopoly is “empire” which also indicates size and control over a large territory of space and people an empire is also ruled under a single sovereign authority, an emperor.

Although the title of emperor is not applicable in regards to cable, other titles are used that extend beyond the typical president and vice president to include: media baron,

cable baron, and cable confreres. Media baron and cable baron are also used in a pejorative way to elevate the status of these businessmen one step further to not only refer to them as powerful businessmen, but baron comes from the feudal system and to be labeled as such would be placed above the common class. The use of the word baron helps establish the importance and high level in society; they are being placed above everyone else, specifically the readers.

Another form of language that is specific to a profession is legal language. The use of legal language emphasizes the seriousness of the issue; for instance, (Kari, 2001) “ruling unanimously, ruling upheld by a lower court decision, Court of Appeal, officers, legal proceeding, Justice, offence, legal sanctions, suing, malicious prosecution” (Sheng, 2004), “lawsuits, class-action suits” (when a group of people sues another group, company or individual to avoid the complexity of numerous lawsuits they only put one plaintiff forward to represent the class); “countersuits” (instead of countersuit is should be counter claim, a counter claim is when a defendant in an action sues the plaintiff); “sued, malicious prosecution” (in Canadian law the role of the prosecutor is not to get a conviction but to see that justice is done, however, when a prosecutor steps outside of that and acts in a vengeful or vindictive way and it is proven a civil suit can be filed); “attorney fees” (attorney is an American term, in Canada they are referred to as lawyers), “punitive” (damages in a civil suit that are given as punishment to the defendant for their actions) (Kari, 2003a), “illegal, accusing, constitution, ban, Supreme Court, intervener status” (a lawsuit is between two sides but often on controversial issues, especially constitutional issues, the results of the case might impact third parties and those third parties can make arguments before the court) (Kari, 2003 a), “Supreme Court of

Canada, ruling, court challenge, civil trial” (forum to resolve non criminal matters), “Ontario Superior Court” (four levels of court the Superior Court is the second level, highest level of trial court in Ontario), “hearings, Justice Department, Charter challenge, lawyer, amendments, plea bargain” (plea of guilty for a lesser sentence or a lesser charge), judicial process” (Kari, 2004a). It is important to state that some of these terms such as: illegal, accusing, constitution, ban, Supreme Court, hearings, lawyer, and sued were terms that were expected to appear in these articles since this topic has a legal component. A majority of the words would be unfamiliar to most of the audience and by using these terms without providing adequate explanations of these terms the reporter takes on the role of an expert, making the story and themselves have an elevated status. This works with the position of the newspapers that support the legal satellite and cable providers and condemn the illegal satellite providers. The use of these terms may be used as a tool of intimidation. Those people who are participating in the activity of stealing illegal satellite signals and read these articles will hopefully come to realize that they are participating in an illegal activity and should stop.

The fact that it was the legal cable and satellite companies that filed these lawsuits and took these illegal satellite providers to court, the legal language that is equated with power and authority and righteousness is extended to the cable/satellite companies. The cable and satellite companies recognized the problem and are attempting to prevent this illegal behavior from continuing. The cable and satellite companies will financially benefit from winning the court case by preventing American satellite service in Canada, they will also benefit from the newspaper coverage that works to persuade the audience

that this is an illegal activity that they should not participate in, and instead should stick with their legal cable or satellite provider.

Satellite signal theft is not simply referred to as “satellite signal theft” but a plethora of other terms are used throughout the articles that attempt to say the same thing: grey market, so-called grey market, steal, high tech thievery, illegally procured, illicit equipment theft, illicit satellite equipment, part of a sprawling criminal enterprise, signals run contrary to the law, unauthorized, black market, and the blue market.

All three newspapers use language that reinforces that the act of satellite signal theft is illegal and emphasizes how the cable and satellite television industries have been harmfully impacted by this theft. Through the repetition of words that have a negative connotation such as theft, illegal, black market, hack, steal and raid the cable and satellite companies are able to remain in a position of dominance over those that steal and provide unauthorized satellite signals. The negative connotations go one step further in which those that steal satellite signals are equated as pirates, participating in an illegal activity. Equating those that steal satellite signals with pirates is a common comparison throughout the articles case in point in “Minister Allan Rock described grey-market retailers as “pirates of the airwaves” (Kari, 2001b). Pirates is a term that conjures up images of men who traveled the seas in search of gold and jewels, stole and pillaged from villages and other ships, wore a patch over their eye, had a wooden leg, a parrot sitting on their shoulder, and flew a flag with a skull and bones. The use of the word pirate to refer to someone who steals satellite signals is common but the (Trinh, 2001) article perpetuates the comparison of a pirate to someone who steals satellite signals by basing the entire article around this comparison. The article states “Paul is a digital pirate whose

swashbuckling days are numbered. The 32 year old Ottawa man works in a high tech by day, and although that pays the bills, it can be hard slogging... It was much more fun and lucrative to hack into U.S. satellite TV programs and sell his handiwork for an exorbitant mark up.” By labeling Paul a *digital pirate*, it adds to the image of the pirate, by now updating the term to include the word digital not only brings it to the present tense but reinforces that he is able to steal something that requires a specific and rather scarce skill. The term digital pirate is followed up with the slang words of “swashbuckling” and “hard slogging” which reinforce the traditional image of a pirate. Not only is the traditional image of the pirate used, but it is combined in this article with the stereotypical image of a computer hacker.

The article includes background information on Paul that serves little purpose other than to reinforce the hacker stereotype. In the first part of the article the audience learns that Paul is a 32 year old Ottawa man who works in a high-tech field, in a later paragraph this background information on Paul is extended

For months, he has run his gray market business from his home-or more correctly, his parent’s home where he still lives. No overhead he says, descending into his basement. His dark eyes twinkle mischievously and his chubby cheeked smile stretches from ear to ear as he shows off his current stash.

The hacker stereotype is confirmed in this paragraph by stating that Paul not only is 32 years old, but that he lives in his parent’s basement. The use of the words *mischievously* and *stash* are words that refer back to the characteristics of a pirate and this last comment on Paul has the tone that implies a child’s fairy tale. The audience is once again in a position of us versus them, viewing the pirate and the hacker as those that function on the fringes of society, outcasts, which participate in unlawful behavior. On the other hand



the audience can further be divided into those who agree that piracy is wrong and those that applaud the behavior and see him as a rebel, a champion of free television and ultimately as a way to fight back against big business.

The connotations of piracy are taken one step further to include war-like language. War becomes a metaphor for how arguments are structured in everyday activities (Lakoff & Johnson, 1980). Although there is no physical battle, the conflict is verbal, and the structure of an argument-attack, defense, counter attack, reflects this. The war metaphor is reflected in our everyday language by a wide range of expressions that all three newspapers utilize such as “modern warfare and cyber terrorism” (Trinh, 2001), “legal battle” (Menzies, 2000a), “turf-warfare, blitzkrieg” (Fraser, 2001b). The use of such blatant war terminology reinforces war as being waged between the legal cable and satellite companies who are represented as being on the defensive through language such as “covert counter measure to take aim at pirates” (Trinh, 2001), “banded united front” (Shecter, 2003a), “electronic counter measure” (Ross, 2001). In comparison to the offensive language that is used by the providers of illegal satellite services such as: “raids” (Trinh, 2001), “seizing”; “attacked, launched, killed”, “capture” (Bell TV services...2003), “battle ready belligerents, carnage, cannibalize” (Fraser, 2001d), “stab, killed, grenade” (Shecter, 2003f). The use of aggressive language to describe the actions of illegal satellite providers and satellite signal thieves encourages the readers to distance themselves from these activities.

By placing the legal cable and satellite providers on the defense, protecting themselves against the offensive actions of the illegal satellite providers represents the positive self representation of the cable and satellite providers and the negative other

representation of the illegal satellite providers. The legal satellite and cable companies are simply defending themselves against the illegal industry and are not viewed as aggressive or violent. The *National Post* July 1, 2000 article by Menzies goes against this and it is an interesting dichotomy, especially in comparison to the stereotypical representation of the Royal Canadian Mounted Police (RCMP) as passive, calm, law enforcing, and non-violent. This article portrays the RCMP officers as aggressive and instead of simply reacting they are taking matters into their own hands, “armed, stormed, raided, demanded, casualties, handguns, enemies, and attacking” all imply aggressive action on behalf of the RCMP, not the typical representation that is perpetuated in Canada and abroad. It is interesting that this “war” on satellite signal theft would elicit such a response from the RCMP, this is yet another tactic being deployed to reinforce to the reader that this is a serious matter, so much so that it is forcing the RCMP to act out of character. This example clearly reaffirms that not only are the cable and satellite companies on the defensive, but law enforcement is as well.

Apart from the pirate references that were prevalent in the articles was the association of illegal satellite dishes with illegal drugs: “Industry Canada minister John Manley dropped a real bombshell. He compared the grey-market satellite industry to the *illicit narcotics trade*. Said Manley: “Satellite *dealers* argue they are the Canadian satellite industry. Well, the guys that sell *marijuana* are the Canadian industry, too, I guess” (Menzies, 2000); “this is highly illegal, *it’s like drug dealing*” (Kari, 2001b) the use of a simile to directly compare drug dealing to satellite piracy is an effective way to stress that both activities are illegal; “The 80 people named in a separate racketeering lawsuit filed in U.S. District Court in Los Angeles are accused of *trafficking in illegal*

signal equipment *smuggled* in from Canada” (Olijnyk, 2001). The words trafficking and smuggled are words that are commonly used when discussing illegal drugs, by using terms that are associated with drugs it is not difficult for audiences to draw the comparison for themselves. Another example that is not as blatant but still refers to drugs, is “the effort to *get people off the black market*” (Brent, 2004d). This quote implies that black market satellite dishes are addictive, like drugs and that people need detoxify their bodies from black market television. An additional example is the use of the word “stash” (Trinh, 2001) that was used in conjunction with the pirate image reinforces the idea of illegal activity as they are items that need to be hid and not left out for all to see.

The comparisons to drugs are a scare tactic that is attempting to either stop audiences from continuing to use their illegal satellite dishes or deterring them from initially doing so. People who use illegal satellite dishes or who are considering using them may appreciate the lower cost and abundance of channels but they still do not want to be placed in the same category as a drug dealer or user.

The emphasis on business and legal language helps separate the readers from those who are able to fully participate in the discourse from those who are not. This division helps maintain the elite position of the legal satellite and cable providers which is further substantiated through the drug comparisons and war language. Whether the newspaper uses the word pirate or unapproved user of American satellite service to denote the same person is not so much a question of semantics as an indirect expression of implied but associated values incorporated in shared-word meaning (van Dijk & Erlbaum, 1987, p. 81) that only those that are part of the elite group would understand.

### **Analysis of CDA Category Competition**

An underlying tension that is present in the coverage regarding the topic of satellite signal theft was the competition that existed between the satellite and cable companies. Originally satellite customers were mainly found in rural areas where cable was not present; satellite was their only option to receive an abundance of channels. In the last decade as a result of the smaller satellite dish size approved Canadian satellite providers have entered areas where cable once dominated. This competition between the cable and satellite companies for customers and ultimately profits have pressured the cable companies to keep up with the digital service that satellite dishes provide and introduce digital cable in late 1999 and early 2000.

This constant tug of war between the cable and satellite companies for customers and profits is recognized, “Through Bell ExpressVu, Bell has been in *stiff competition* with Canada’s cable TV companies” (Bell TV services....2003);

Quebecor Inc.’s Groupe Videotron Lte. Cable unit must cut costs by as much as \$40 million a year because it is losing subscribers to satellite services such as BCE Inc.’s Bell ExpressVu. Videotron has lot market share in recent years as customers switched to direct-to-home satellite systems. Analysts say services such as Bell ExpressVu and Shaw Communications Inc.’s Star Choice are gaining popularity because they offer greater variety (Tomesco, 2001);

“The cable companies, including Quebecor’s Videotron unit, watched helplessly as consumers migrated to the greater choice and better picture and sound promised by satellite” (Lamey, 2003); “Cable TV used to be a lucrative and near-monopoly business- until satellite technology forced regulators to open the field to competition about five years ago” (Kari, 2002c); “Satellite companies such as Bell ExpressVu and Star Choice

are poised to dominate the burgeoning digital TV market, and may eventually rival the country's cable operators in terms of total subscribers" (Stewart, 2001); "In the early 90's, Canadian cable barons such as Rogers and Shaw looked upon the advent of U.S. satellite TV services (the so-called death stars) as being potentially lethal to their cable monopolies" (Menzies, 2000).

All of these examples outline the competition and rivalry that exists between cable and satellite companies, the cable monopoly that once existed in Canada is now under threat from new technology that is able to offer "greater variety", "greater choice and better picture and sound." Customers are moving to the provider and the technology that is able to offer them the most for their money.

The exception to the competition between cable and satellite companies is Shaw Communications. Shaw Communications which owns and operates Shaw Cable and StarChoice satellite television, the only legal provider of satellite television other than Bell ExpressVu, offers something that no other cable provider offers, Shaw offers the choice between cable or satellite television service to its customers. Even if Shaw Communications losses cable subscribers to satellite, unless the customer switches to an illegal dish they have the option of staying with Shaw to provide satellite television.

Despite this competition between cable and satellite companies, both have come together to fight against illegal satellite signal providers "Not that cable companies are having it easy: They're losing turf to the black market satellite hackers and the gray dish subscribers to U.S. services" (Zerbisias, 2002); "It's estimated there may be as many as one million grey-market satellite subscribers in Canada, which is about the same number of people who have signed up for Bell ExpressVu or Star Choice" (Tibbetts, 2002);

“Even with 750,000 paying customers, ExpressVu still can’t make money. The company lost \$192 million last year. Unable to make the business fly on its own, BCE last year launched a court challenge to try to shut down its main competitors, U.S. satellite companies” (Corcoran, 2002); “The Canadian cable, satellite and broadcast industries are launching a major advertising campaign designed to combat satellite signal theft, which costs businesses an estimated hundreds of millions of dollars in lost revenue a year” (Heinrich, 2002). Competition between legal television service providers and illegal satellite providers in one example was used as an excuse to justify increased spending and increased costs to the consumer “Upgrades to help the cable industry compete with both legal and illegal satellite competition have inflated capital spending requirements across the sector-making the goal of free-cash-flow even more elusive for many firms” (Lewis, 2002b). All of these examples outline that the legal cable and satellite companies are losing money to illegal satellite dishes and it is their desire for more revenue that has motivated their actions to go after illegal satellite providers. The most telling example of this was the quote that states that there are “an equal number of legal and illegal satellite dishes operating in Canada” (McGregor, 2002). This is exactly why the legal industry wants to put a stop to illegal satellite service; they are missing out on half of the market. If the illegal dishes were removed they would have the opportunity to double not only their customers, but also more importantly their revenue.

The impact of this shift from cable to satellite television service both legal and illegal has been harmful to Canadian cable companies. This shift has specifically impacted Quebecor’s Videotron cable unit, Videotron President Pierre Karl Peladeau has suggested that not only is there a grey and black market, but that a third illegal market

that he refers to as the “blue” market also exists “blue for the Bell market and all the set-top boxes which are unfortunately pirated” (Paddon, 2002). This statement recognizes that not only are American satellite dishes taking customers away from Canadian cable and satellite companies, but pirated Canadian satellite dishes are also posing a threat to the Canadian cable industry.

In the view of cable and satellite providers competition is only allowed if they are still able to control the market and remain profitable. Any form of competition, like the illegal market, that takes away this control and or opportunities to make a profit are unacceptable.

### **Analysis of CDA Category Statistics**

The goal of news discourse is to come across as reliable and trustworthy, to achieve this many news stories include statistics. By providing a precise number suggests truthfulness to the audience; this is one reason why news discourse abounds with numerical indications. Throughout the newspaper articles that address satellite signal theft, numerical indications fell into one of two categories: the number of illegal satellite dish subscribers, or accounting for the economic loss that unlawful satellite subscribers have on the Canadian television industry.

It is reasonable that acquiring an exact number of illegal satellite dish subscribers is hard to determine since it is a prohibited activity, yet none of the newspapers use this as justifying the inconsistent numbers of illegal satellite dish subscribers that are present in the newspaper articles. Instead all three newspapers use different statistics to reveal the number of illegal satellite subscribers in Canada. Three newspaper articles from the

*Toronto Star* all quote the number of illegal satellite dishes in Canada to be different numbers. The article by Swift on April 5, 2002 article states “between 600,000 and 800,000”, “Time to put TV thieves six feet under” April 18, 2002 affirm “an estimated 660,000” and Zerbisias on October 3, 2002 “some 700,000.” Although these three approximations all use words such as “between, estimated, and some” to account for the inability to provide a specific number the range that exists in these numbers for such a short time periods, specifically for the April 5, 2002 and April 18, 2002 is questionable. On April 5, 2002 the *Toronto Star* reported that there was “between 600,000 and 800,000 illegal satellite dishes, yet fifteen days later they “estimated 660,000” illegal satellite dishes were in the country. *The Toronto Star* needs to be more consistent in the statistics they provide if they want their statistics to be accepted by the audience. *The Ottawa Citizen* had the greatest range in their estimate of how many illegal satellite dishes are operating in Canada. For instance, on December 8, 2001 in the article “The wrong signal” it is stated that there was “between 400,000 and one million”, and three years later on (Boyd, 2004) February 23, 2004 Boyd states that “there may be as many as 750,000”, coincidentally or not, this is the same number that the Canadian Cable Association has cited as the number of illegal satellite dishes in Canada. *The National Post* is not exempt from these statistical variances on April 21, 2001 the *National Post* reported that “there may be as many as a million” (Kari, 2001) and three years later on April 22, 2004 “estimated 750,000” (Brent, 2004d). Once again the statistic of 750,000 that is provided by the Canadian Cable Television Association is used; this is the only statistic that is repeated. Sources for these various statistics are not provided in the newspaper articles, they are used to help establish an authority for the newspaper over the



reader. The use of the same statistic is for both the *Ottawa Citizen* and the *National Post* is a reflection of their ownership both newspapers are subsidiaries of CanWest Global and would have the same resources.

The economic loss that illegal satellite dishes had on the Canadian television industry was accounted for throughout the three newspapers. *The Toronto Star* entertainment column "Time to put TV thieves six feet under" April 18, 2002 stressed this point by providing three statistics to prove the point,

All those signal thieves are helping themselves to some \$100 (Cdn) a month's worth of TV, the price of the US DirecTV's complete channel package. It's a problem, so big that it threatens to topple our broadcasting system, which employs some 20,000 people, provides a way for Canadians to see their stories and needs regulatory protection to survive and prosper. Industry losses are pegged at half a billion dollars a year.

The use of three numerical notations "employs some 20,000 people", "some \$100 Canadian", and "pegged at half a billion" work together in an attempt to convince readers that not only stealing was wrong, but also about the financial consequences. These financial consequences were not only impacting the profits of legal satellite and cable providers but also the Canadians who worked for these companies and also Canadian customers and audiences as the quality and quantity of Canadian programming was being jeopardized. This example does not fully convince readers, despite the use of three numerical notations the fact that the words "estimated", "some" and "pegged" are used before each of these statistics all emphasizes that these numbers are not accurate, but are only at best estimates. More concrete statistics need to be provided for audiences to be fully persuaded.

The *Ottawa Citizen* is also concerned with the impact that illegal satellites are having on the industry “illegal systems operating in Canada, which costs the Canadian broadcasting system more than \$400 million a year. That is income that should be going to Canadian writers, actors, directors, producers, broadcasters and cable and satellite services to help build a strong Canadian broadcasting system” (Boyd, 2004). This statement is nearly identical to the information that the Canadian Cable Television Association has on its website under satellite signal theft which states:

Findings show that 750,000 to 1 million households are stealing satellite signals in Canada. The overall impact on the Canadian broadcasting system is estimated to be approximately \$500 million per year as artists, actors and broadcasters as well as the satellite and cable industry are not being paid copyright or subscription fees for their services (Canadian Cable Telecommunications..., 2005).

A similar statement was made in the (Brent, 2004d) April 22, 2004 *National Post* “households that have opted out of the system have deprived independent TV producers of \$400 million annually in money that would have otherwise been pumped into the system”. Both of these examples utilize statistics to represent both the number of illegal satellite dish users in the country along with the economic loss to the Canadian television industry. These statistics work together to support the underlying concern that is clearly outlined in the April 21, 2001 *National Post* article that states “there may be as many as a million grey-market satellite subscribers in Canada, about the same number of people who have signed up for Bell ExpressVu or Star Choice, the two Canadian services” (Kari, 2001). This is the reason for the concern, that an equal number of legal and illegal satellite dishes are operating in Canada, which means that the both the legal cable and satellite companies are losing half of the potential market. In an attempt to reveal how

detrimental this problem is the legal television providers have employed the use of vague statistics coupled with statistics that reveal how many Canadians jobs are at risk and the loss of funding for the Canadian broadcasting system. Despite the attempt to use statistics to reinforce the damaging impact that illegal satellite service has on the Canadian broadcasting industry, the use of inconsistent and vague numbers does not suggest truthfulness, but the opposite, that the industry is choosing to use varying numbers to make their cause seem more sympathetic.

### **Analysis of CDA Category Counter-Power**

The function of the newspaper, is not solely to provide information to the public, but is in fact a business that has its own self interests and must profit in order to continue providing news. News is in fact a secondary function of a newspaper, and the primary function is to sell products through advertisements. Since the newspaper must keep its sponsors satisfied before it is able to satisfy its audience articles that favor the sponsor's position are included. In spite of this modest forms of counter-power exist in some discourse and communication forms, as is the case to letters to the editor (van Dijk, 1998). The editorial is a good example of counter-power. Newspapers contain separate sections and articles that allow the audiences to speak their mind, these alternative sections such as the editorial, perform a symbolic function, to make other parts of the newspaper appear more legitimate.

An example of counter-power was found in a letter presented in the business section of the *National Post* on August 18, 2003. Wendell Wilks, who is charge of TVN Niagara, was the author. TVN wants to be Niagara's first over-the-air commercial

television station. TVN is backed by a prominent group of regional owners with no other conflicts of media ownership and will deliver a missing TV voice to the 100 channel universe of southern Ontario. Wilks takes the position in his letter that Canada's national identity is a priority that has been overlooked and neglected due to cable television. He states,

Is Canada's national identity and cultural sovereignty more important than cable TV surviving? You bet it is. The Broadcasting Act may need tweaking, but it is not yet time to throw in the towel and surrender to the myriad of cash grabs being designed by the cable television industry (Wilks, 2003).

Wilks goes on to say that the cable companies' claim that providing more American channels on cable would prevent satellite signal theft is not helpful as the cable companies claim to "strengthening, enriching, and enlightening Canadians with a predominantly Canadian broadcasting system. This is not about Canadian cultural sovereignty and freedom of speech and freedom of choice. It is about something even more powerful-cash, a commodity in shorter and shorter supply to the beleaguered cable companies" (Wilks, 2003). In this article Wilks presents an alternative view to the predominant pro cable view, that the cable companies are only motivated by profits and not the enrichment and quality of Canadian entertainment that the remainder of the newspaper articles present, the lack of support for his view in any other articles allows the *National Post* to appear to represent both sides of a story, to appear balanced, but balance is not achieved as none of the articles outside this letter support this position.

The *Toronto Star* also adopts a counter-power perspective in two of its articles. Both examples from the *Toronto Star* blame the Canadian cable companies for the grey/black market satellite situation. Antonia Zerbisias, a columnist for the *Toronto Star*,

blames the cable companies for not recognizing and meeting the customer's needs earlier and as a result they are losing to satellite markets: "So what are these cable guys on about? If they are losing ground to illegal satellite suppliers, it's because they weren't savvy enough to meet them head on when they first posed a threat" (Zerbisias, 2002). The *Toronto Star* May 1, 2002 entertainment article "Pirates dish out hate mail" offers justification for customers who have been neglected by cable companies leaving them with little choice other than to participate in the grey market, this was emphasized in the following quote: "This market (gray market) seems to consist of mostly those folks who live in remote areas where cable companies ignored them for years."

The most interesting example of counter-power was a business article found in the *Ottawa Citizen* on August 29, 2002. This article outlines the alternatives to cable and satellite by offering evaluations for alternatives such as amplified indoor television antennas and even rabbit ears. It calls for an end to spending hundreds of dollars a year on cable and satellite service and instead suggests that people:

disconnect the cable or trash the satellite dish. Then plug your television into a pair of rabbit ear antennas, twiddle them around to get the strongest signal and presto: free TV! Our conclusion: amplified indoor TV antennas offer an affordable alternative to cable or satellite TV. Moreover, there are indoor antennas available for all tastes: premium, striking, or practical" (Careless & Trott, 2002).

This is information that was not present in any other article in the *Ottawa Citizen* or in the *National Post* or *Toronto Star*. By offering an alternative to satellite and cable television is acknowledging that consumers do have other options, an alternative that the cable and satellite companies would rather be forgotten.

These four examples of counter-power are not adequate to offer an alternative position or solution to either illegal satellite providers or to the legal satellite and cable providers. It is important that these views exist and are published, but they should not be published so that the newspapers can claim that they offered an alternative perspective on the issue. They should exist because it is part of the newspapers responsibility to the audience to offer all perspectives on an issue.

### **Analysis of CDA Category Policy**

If the role of the newspaper is to provide the public with information, including information on public policy, they have failed to do this regarding the topic of illegal satellite dishes. Despite the fact that satellite signal theft revolves heavily around the *Broadcasting Act* and the *Radiocommunication Act*, these acts are frequently referred to in name only, the audience is not provided with an understanding of what they entail, who is responsible for enforcing the act or even why they are being referred to. Out of twenty one articles that reference the *Radiocommunication Act* when discussing satellite signal theft only one article that appeared in the National Post *July 1, 2000* referred to the specific policy section of the *Radiocommunication Act* that was being used. “Section 9(1) (c) of the *Radiocommunication Act* is ‘an absolute prohibition against the decoding of encrypted subscription program signals unless they operate from a lawful distributor in Canada which authorizes their decoding’ (Menzies, 2000). In other words the only legal distributors of satellite television in Canada are Bell ExpressVu and StarChoice.” The *Radiocommunication Act* is a large act and failure to reference the specific section of the

Act that applies to satellite dishes, implies to the audience that the *Radiocommunication Act* in its entirety pertains to this topic.

Instead of fully explaining the media policy regarding satellite signal theft, policy is instead used as a tool that is manipulated to serve the interests of wealthy business investors and executives. Using policy in this manner clarifies why the business section is nearly the only location within a newspaper where information pertaining to media policy is present (McChesney & Nichols, 2002). The fact that media policy is discussed in the business section and not in the entertainment or culture section of the newspapers is a clear indicator that the business world is only interested in media policy that serves their own financial interests.

Clear examples of the complementary relationship that exists between the broadcasting industry and the government were present in both the *Ottawa Citizen* and the *National Post*, but were lacking from the *Toronto Star*. The *National Post* made this complementary relationship very clear when it was stated on (Fraser, 2000c) December 18, 2000: "In Ottawa, the Canadian Radio-television and Telecommunications Commission predictably sided with its powerful industry clients, not with Canadian consumers;" the use of the phrase "predictably sided with" acknowledges that this behavior is normal and has come to be accepted. Similarly in the (Fraser, 2000b) February 15, 2000 article conceded that "the CRTC's *customary protectionist reflex*. In the past, the regulator has evoked contestable notions like "orderly market" to *protect the commercial interests* of its major clients. The 500-channel universe may be on the horizon, but the CRTC has carefully preserved its "Old Boy" policy". Both of these

examples from *The National Post* Financial Post section under the column heading of business/crime draw attention to the relationship between government and industry.

However, in the following examples, the Industry Minister Alan Rock responds to industry suggestions for reform. The industry made suggested amendments to the *Radiocommunication Act* that would benefit them, and the minister of Industry Alan Rock responds to these “suggestions” that the impact of the broadcasting industry has on policy.

The federal government announced plans yesterday to introduce legislation toughening penalties and increasing border controls to combat piracy of satellite television signals. The amendments to the *Radiocommunication Act*, if passed, would also strengthen the right of the Canadian broadcasting industry to *take civil action* against those who sell illegal satellite equipment and services. The Supreme Court ruled last year that the *Radiocommunication Act* protects Canadian and foreign signals from unauthorized decoding. Broadcasters *have lobbied* government officials since the Supreme Court ruling, arguing that the current penalties-fines of no more than \$5,000 for an individual and \$25,000 for a corporation, and a minimum of one year in jail-were seen by vendors as the cost of doing business” (Shecter, 2003c);

In response to the broadcasters requests for amendments to be made to the *Radiocommunication Act* to make the penalties more costly to help deter satellite signal theft Industry Minister Alan Rock made the following proposal which would include:

Legislation that would increase fivefold the fine for people who steal satellite signals, from \$5,000 to \$25,000. The bill will also boost the fine for a company that steals signals, from \$25,000 to \$200,000. The harshest provisions of the amendments to the Radio-telecommunications Act will apply to people or companies who sell the decoder cards required to steal signals. An individual will be liable for a fine of up to \$50,000 and two years in jail, up from \$20,000 and one year now. Companies that sell decoder cards would face fines of \$500,000, up from \$200,000. That company would include a continuing offence provision, so if an outlet sold one card a day for 10 days the fine could reach \$5-million” (Jack, 2003b).



The comments that former Industry Minister Allan Rock makes regarding the proposed amendments to the *Radiocommunication Act* that include increased fines for those that steal satellite signals and allowing the broadcasting industry to pursue civil action against those that steal, appears to be a direct response to the issues raised in the article that appeared a month earlier that states “broadcasters have lobbied government officials “for tougher penalties. The relationship between industry and government is reiterated the following day in the (Jack, 2003c) *National Post* on Oct 22, 2003 that recognizes that the “tough new measures are being introduced today by Alan Rock, the Industry Minister, after *sustained pressure* from Canadian satellite and cable operators and the country’s broadcasters, all of whom say they are losing money to illegal satellite dishes” (Jack, 2003c) *NP Oct 22, 2003*. The last part of this quote acknowledges that the Canadian cable and satellite operator’s revenue losses are the basis for the broadcasting industry pressuring the government to make these amendments.

Similar comments regarding the complementary relationship between the government and industry were also found in the *Ottawa Citizen*. This is not surprising as the *Ottawa Citizen* is the sister paper of the *National Post*, they share resources and more importantly they share the same attitude regarding issues. This attitude was reinforced in the following quotes; the first came from the business section and the second from the news section under the column heading business:

The new head of Canada’s broadcasting regulator promised yesterday to help the cable-television industry combat piracy, which the industry sees as a serious threat to its revenue base. ‘I would like to reassure you that we share your concerns regarding black market satellite systems,’ Charles Dalfen, chairman of the Canadian Radio-television and Telecommunications Commission, told cable operators at their annual convention (Mertl, 2002);

and “The high court unanimously sided with satellite giant Bell ExpressVu by concluding that Canada’s broadcasting laws place an “absolute bar” on the so-called ‘grey market’ that allow Canadians to tap into programming signals from abroad” (Tibbetts, 2002).

This decision came ten days after Charles Dalfen, chairman of the CRTC, stated that the CRTC shared the cable television industry’s view that piracy was a serious threat to its revenue base and promised to help the cable industry. This is clearly another example of the complementary relationship that exists between government and industry.

In spite of these examples that support the complementary relationship between government and industry the *Ottawa Citizen* on Dec 4, 2001 included comments by the owner of Can-Am satellites (provider of illegal satellite service in Canada) which recognized the pressure that legal satellite providers mainly Bell ExpressVu were having on the federal regulator and summed up the motivation behind this pressure “this case is really about using ‘coercive means’ to force viewers to subscribe to stations approved in Canada, rather than having people choose (Tibbetts, 2001).” These approved stations are provided by Bell ExpressVu and Star Choice. This comment provided by an illegal satellite service provider is unique as their views were not customarily found in the coverage regarding satellite signal theft, especially comments that acknowledge that “coercive means” are being used by the industry to pressure the government to protect their investment.

The Canadian Radio-television and Telecommunications Commission is an independent public authority, which is responsible for the regulation and supervision of all aspects of the Canadian broadcasting system. Although the CRTC must take into account the wants and needs of Canadian citizens, industries and various interest groups

(Government of Canada, 2005) they are not responsible for ensuring that the industries it governs have all of their needs met to remain profitable. With this being said, the previous examples clearly reveal that the Canadian Radio-television Telecommunications Commission supports and alters its decisions to meet the needs of the cable and satellite industries, neglecting the needs of the Canadian customer. This acknowledges that the coverage on satellite signal theft was skewed to serve the needs of the Canadian cable and satellite industry's involved. The findings reveal how wrong the media organizations perpetuated technological determinist position is when the mutually beneficial relationship between the media industries and the regulatory body is revealed they are clearly acknowledging that technology is not deterministic, but indeed needs human involvement, specifically where competition and profits are concerned.

## Chapter 5

### Discussion and Conclusion

#### *Background*

The lack of background information on satellite signal theft is problematic, as audiences are not being fully informed on the issue. Terms such as grey and black market are used throughout the newspaper articles but are not defined. Instead, the articles encourage audiences to associate the grey and black satellite markets with the illegal black market. There is also a lack of contextual information on the corporations involved; in its place the focus remains on the illegal activity and not the corporate involvement. When corporations are mentioned it is to clearly state that they are the legal providers of satellite or cable television, clearly distinguishing them from the illegal satellite providers.

#### *Lexical Style*

Three categories of words were examined under the category of lexical style: language that addresses and is used in the legal profession, business profession, and negative connotations associated with satellite signal theft. The use of business language such as megamerger, vertical integration, competitive behavior, monopoly, market failure, market dominance, and equity stakes (Fraser, 2001a), helps the focus remain on the issues of economics and the industry. The use of legal language such as: Supreme Court of Canada, ruling, court challenge, civil trial, Ontario Superior Court, and hearings (Kari, 2004a) reinforces the seriousness of the issue of satellite signal theft. The repetition of words that have a negative connotation such as theft, illegal, black market, hack, steal and raid, which are used to describe satellite signal theft, allows the cable and

satellite companies to remain in a position of dominance over those that steal and or provide unauthorized satellite service. This positioning of the legal television providers over the illegal providers is emphasized further with the use of war language, battle ready belligerents, carnage, and cannibalizes, which places the legal providers on the offense and the illegal providers/subscribers on the defense. Out of 172 newspaper articles the bulk of the newspaper articles, 125 articles were found in the business section, 18 were found in the category of news under the subject heading of business, 16 articles were found in the front news section while the remainder were found in other categories ranging from entertainment, arts and life and one found in the travel section. This concentration of articles found in the business section of the newspaper is a clear indicator that the news media define these issues as primarily a business issue and not a cultural issue.

### *Competition*

An underlying tension that was present in the coverage regarding satellite signal theft was the competition between satellite and cable companies. Satellite television has pressured the cable companies to keep up in order to compete for customers and profits. Despite this competition, the Canadian cable and satellite companies have come together to fight satellite signal theft, as both cable and satellite are losing money to the illegal providers.

### *Statistics*

Statistics are used as a tool for the newspaper to come across as reliable and trustworthy. Statistics were found in two categories in the coverage of satellite signal theft, the number of illegal satellite dish subscribers and or accounting for the economic

loss that satellite signal theft has on the Canadian television industry. Different statistics are used throughout the articles, before statistics are provided words such as “estimated, pegged, and some” are used to emphasize that these numbers are not accurate. The inaccuracy of these statistics leads one to the conclusion that the industry is choosing to use varying statistics to make the problem of satellite signal theft appear more detrimental.

### *Counter-power*

The category of counter-power is the one example that does not support the position of cable and satellite providers. Although newspapers must sell space to advertisers, newspapers also contain separate sections and articles that allow audiences to speak their mind. Three interesting examples of counter-power existed: one outlined alternatives to cable and satellite service, one recognized that it was the cable companies’ fault that customers were leaving to participate in satellite signal theft as they did not meet the customers needs, and finally an article recognized that that national identity and cultural sovereignty were more important than cable television profiting. Although these three articles demonstrate counter-power, these three examples are not nearly enough to have an impact against the other 169 articles that clearly reinforce the position of cable and satellite companies.

### *Policy*

The role of newspapers is to provide the public with information, including information on public policy. The Canadian *Broadcasting Act*, and the *Radiocommunication Act*, frequently referred to in name only, is not explained with the exception of one newspaper article that refers to the specific policy section. Instead of

fully explaining these two Acts, policy is used as a tool that is manipulated to serve the interests of wealthy business investors and executives. This is evident in the coverage that outlines the complementary relationship that exists between the broadcasting industry and the government, that the industry pressures the government to make changes to prevent them from losing more money.

All of the categories of critical discourse analysis that were examined: background, lexical style, competition, statistics, counter-power, and policy from the three newspapers were used to illustrate the value of the political economy model. The news reports found in the three newspapers by and large defend the position of the legal cable and satellite company, which satellite signal theft, was detrimental to their businesses and must be stopped. Despite the fact that the *Toronto Star*, the *National Post* or the *Ottawa Citizen* do not own either StarChoice or Bell ExpressVu, the two Canadian satellite companies, both Torstar and CanWest Global have a vested interest in the elimination of satellite signal theft. Torstar, which owns the *Toronto Star*, also owns Shop TV an All Direct Response Cable Channel (home shopping television channel) and CanWest Global, which owns the *National Post* and the *Ottawa Citizen* own Global television a variety of specialty channels such as Prime TV and Fox Sports world Canada. Both Torstar and CanWest Global rely on cable and satellite television to carry these channels.

The topic of satellite signal theft as the political economy model states is geared towards protecting the wealth and privilege of both the media outlets and their sponsors. This protection is utilized through the powerful elites who enact, sustain, legitimate, condone, naturalize, or simply ignore social inequality and injustice in order to remain in

a profitable position. It was this protection of elite interests that guided the coverage on satellite signal theft in all three newspapers, presenting the issue as a threat to the Canadian cultural identity when it was really to prevent competition in the Canadian cable and satellite industry.

The access that satellite and cable companies have to resources, such as the press, has enabled them to promote and defend their position against satellite signal theft. The main focus of this issue in *The Toronto Star*, *The National Post* and *The Ottawa Citizen* was how the Canadian cable and satellite companies are losing money as a result of satellite signal theft. This is clearly an example of the mainstream media's focus and concern with capital and business.

The traditional four theories of the press: authoritarian, libertarian, communist, and social responsibility, were not found to accurately reflect the current media structure that is concerned with capital and business. Even though these four theories do not accurately reflect the current media structure, they can be examined here to reveal their out of date shortcomings, and how the political economic model is the most appropriate form to analyze the current media structure.

The authoritarian model only allows news that was "for the good of the state" (Hatchen & Scotton, 2002, p. 151) to be printed. This can be extended to the topic of satellite signal theft. By and large only news that was "for the good of the cable/satellite industry" was printed. Likewise, the libertarian model states that the free flow of information allows news from around the world to be collected and distributed. This is especially crucial for the global economy that depends on the business press to provide fast and reliable business and financial news (Hatchen & Scotton, 2002). The free flow



of information is undoubtedly important, yet its use for the business community now dominates not just the business and financial news, but all aspects of the news. Similar to the focus on business, the communist model requires full government control over content (Hatchen & Scotton, 2002), this has been replaced with industry and advertiser control over content. Finally, the social responsibility model sees the press as a tool for the people, to provide reliable and objective information to the audience in which the media must recognize that they hold a privileged position in society (Hackett & Gruneau, 2000). This model is ideally how the press should operate; unfortunately, the popular/mainstream press does not recognize their responsibility to society. Admittedly the owner of Can-Am satellites recognized the pressure that legal satellite providers mainly Bell ExpressVu were having on the federal regulator and summed up the motivation behind the pressure “the case is really about using ‘coercive means’ to force viewers to subscribe to stations approved in Canada, rather than having people choose” (Tibbetts, 2001). Instead, examples of a socially responsible press are found on the fringes of society, they are not widely recognized or accessible.

The political economy model recognizes that the media are a business which is deeply embedded in the market system; as a result of this the media are geared towards protecting the wealth and privilege of both the media outlets and their sponsors (Herman, 2003). This protection of wealth and privilege is clearly reflected in the media ownership that clearly benefits the owners as well as the ability of the media to shape public opinion by controlling how ideas are presented to an audience.

The popular discourse of our era considers technology to be autonomous. Technological innovation is the agent of social change, and technological achievement is

treated as a triumph for humanity in which the focus remains on the economic productivity (Winner, 1977). Social consequences are not taken into consideration, and are simply viewed as the price of progress. This discourse of technology has been widely accepted and implemented as it serves the economic model of society, in which progress that result in profits must be implemented at any cost.

This thesis makes considerable contributions to the discussion on new media technology through the examination of technological discourse. Technological determinism is not recognized as problematic until the profits of the industries involved are threatened. Cable and satellite companies were eager to encourage consumers to think along the lines of technological determinism, that they needed to purchase cable or satellite television to keep up with the pace of technology. Unfortunately for the cable and satellite companies, the same discourse that encouraged the consumption of their product was also the same discourse that resulted in the loss of profits. In an attempt to keep up or in this case jump ahead, customers who realized that the technology was available to bring them greater choice in television programming searched for ways to bring U.S. satellite service into their homes.

This resulted in satellite signal theft. Satellite signal theft occurred through either the grey market or the black market. The grey market satellite comprised of customers setting up a mailing address in the United States so that their monthly bill from a U.S. satellite service provider could be sent to. U.S. companies are not able to sell to foreign customers and are therefore not able to send a bill to Canada. Subscribers to the grey market would pay the U.S. satellite service provider, bypassing the Canadian system. Those that participated in the black market purchased pre-programmed smart cards that

allow unauthorized users to circumvent the controlled access systems and decode encrypted satellite television free of charge. The black market satellites result in economic losses to the Canadian cable and satellite providers as well as the American satellite providers.

Eliminating the presence of American satellite dishes in Canada is indisputably pertinent to the economic gains for Canadian cable and satellite companies, yet the attention to the mass media needs to shift from an industry that is hardware and economically driven to one that is program driven. Resources in the form of financial assistance such as:

direct funding programs targeted specifically at Canadian new media content, various tax incentives to support new media industry, content-specific industry development initiatives, and activities to stimulate consumer demand for new media content (Government of Canada, 1999, p. 66).

These funds are required to help develop and promote Canadian content. It is not enough to simply have Canadian content present; it must be accessed for it to be an effective cultural tool.

Chapter one of The *Caplan Sauvageau Report*, the Task Force presented the fundamental premise that “more than ever, broadcasting must be seen as a fundamental part of cultural policy. It must be program driven, not hardware driven as in its first decades” (Poff, 1989, p. 29). This recommendation was made over twenty years ago, and it remains unfilled. Satisfying this has become increasingly difficult as new broadcasting technologies, such as direct to home satellite dishes, have further complicated this by providing easy access to foreign content. For Canadian broadcasting to move in a direction that is more program driven Canadian broadcasting policy must remain focused

on preserving the mixed system of public and private broadcasting. Canadian broadcasting policy must create an infrastructure with enough choice in television programming that they do not need to illegally access foreign programming.

The methodology of critical discourse analysis was performed on articles from *The Toronto Star*, *The Ottawa Citizen*, and *The National Post*. Critical discourse analysis utilizes a multidisciplinary approach to the relationship between language and social practice. Critical discourse analysis is “concerned more specifically with the social practices of language behavior, with the dialectics between societies, including its subsystems, power values, and ideologies, opinions expressed and constituted in and about language” (Szuchewycz, 2000, p. 499). Discourse ideally should address and expose dimensions of power abuse and injustice at the hands of the elites, institutions, or dominant groups. The focus of critical discourse analysis is the powerful elites that enact, sustain, legitimate, condone, naturalize or ignore social inequality and injustice. Using critical discourse analysis to analyze the media is important, as newspapers have a significant effect on how audiences perceive a particular issue and therefore play an important role in how media influence public opinion. The critical discourse analysis categories of lexical style, counter-power, statistics, competition, background and policy all work together to reinforce the fact that Canadian cable and satellite companies are losing money as a result of satellite signal theft and that the focus remains on profit and not culture. This is clearly an example of the mainstream media’s focus and concern with capital and business that reinforces the political economic model’s prejudice on news media values and performance.

### **Recommendations for Future Research**

It is recommended that this thesis serve as a base that could be extended to examine other Canadian newspapers, specifically the *Globe and Mail* which is directly involved in satellite services. This research could also be extended to examine the similar problems that are associated with satellite radio. Satellite radio is attractive to many consumers as it has many of the same benefits of satellite television: availability as never losses a signal and avoids much of the on-the-ground interference that disrupts conventional radio, has an abundance of channels to suit any niche market. Satellite radio is currently not available in Canada. Despite the fact that Canadian satellite radio is not currently available, Canadians who currently have satellite radio are participating in satellite signal theft. Canadian satellite radio must have eight Canadian channels on the dial before it can go on the air, this will be accomplished by the fall of 2005. The motives of the CRTC are appropriate to encourage Canadian content, but it is still difficult to encourage audiences to watch or listen to Canadian stations. Further research as to how this could be accomplished would be interesting and beneficial especially as a result of the findings of this research in which Canadian culture and cultural institutions such as the CRTC are deemed important in an attempt to prevent competition in the marketplace. Canadian cultural sovereignty is a mere fig leaf to avoid competition and remain profitable.

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## **VITA AUCTORIS**

Melissa Eileen Marshall was born in 1978, Niagara Falls, Ontario. She graduated from A.N. Myer secondary school in 1997. From there she went on to Brock University where she obtained a Bachelor of Arts (Honours) in Communications Studies in 2003.